

Court No. - 13

Case :- APPLICATION U/S 482 No. - 10871 of 2024

Applicant :- Mrs.Shaila Devi

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Home Deptt. Lko. And Another

Counsel for Applicant :- Praveen Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. On 05.12.2024, following order was passed:

"Heard learned counsel for the applicant and learned A.G.A. for the State. This application under Section 482 Cr.P.C. has been filed for quashing of the charge-sheet No. 476/15 dated 27.12.2015 as well as summoning order dated 28.06.2016 with all consequential proceedings of Criminal Case No. 1163 of 2016 (State of U.P. Vs. Mrs. Shaila Devi) pending in the Court of Chief Judicial Magistrate, District Pratapgarh, arising out of F.I.R. No. 1148/15, under Section 171H of I.P.C. and 171 H of the Representation of Peoples Act, 1951, Police Station-Kotwali City, District Pratapgarh.

Learned counsel for the applicant submitted that the F.I.R. of the case in question is lodged on the basis of political rivalry and the police is supporting the informant. He further submitted that Section 171-H is not existing in the Representation of the Peoples Act, 1951 at the time of lodging of the F.I.R., as the said provision was repelled by the Act No. 36 of 1957. He further submitted that the alleged offences are non-cognizable, even then the F.I.R. was lodged without making any prior permission. Investigation was conducted and charge-sheet was submitted, therefore, kind indulgence of this Court is necessary.

Learned A.G.A. opposed the prayer of the learned counsel for the applicant, but he does not dispute this fact that Section 171-H is of Representation of the Peoples Act, 1951 is already deleted and the rest of the provision is also non-cognizable.

List this case on 18.12.2024.

By the next date of listing, Superintendent of Police, Pratapgarh is directed to file his personal affidavit stating therein that under what circumstances F.I.R. in question was registered in a repelled offences as well as offence, which is not cognizable and charge-sheet was also submitted.

On the next date, Station House Officer of the concerned Police Station shall also appear in person before this Court.

Till the next date of listing, impugned proceedings shall remain stayed. "

2. In pursuance of aforesaid order, Inspector Arjun Singh, PS-Kotwali Nagar, District- Pratapgarh is present along with affidavit duly sworn in by Dr. Anil Kumar, Superintendent of Police, Pratapgarh. The same is taken on record.

3. Shri Piyush Kumar Singh, learned AGA has informed that

formal order has already been passed by Superintendent of Police, Pratapgarh on 14.12.2024 for further investigation for the crime in question, therefore, the present application may be disposed of.

4. Considering the submissions of Shri Piyush Kumar Singh, learned AGA and going through the contents of affidavit filed today, as it is evident that further investigation has already been ordered, therefore, the present application is hereby ***disposed of*** with the direction to the Chief Judicial Magistrate, Pratapgarh to return the complete police report which was submitted by the Investigating Officer earlier to Superintendent of Police, Pratapgarh.

5. It is also expected from the Superintendent of Police, Pratapgarh to ensure that the investigation of case in question be completed within a period of three months from today and also the affidavit of compliance be submitted before this Court by 07.04.2025.

6. Presence of officer is hereby dispensed with.

Order Date :- 18.12.2024

V. Sinha