



2025:004 - 1 K03:2940H

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

APPLICATION U/S 482 No. - 9946 of 2025

Anand Gupta

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko. And
Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Shubham Gupta
Counsel for Opposite Party(s)	:	G.A.

Court No. - 14

HON'BLE RAJEEV SINGH, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the material available on record.
2. This application has been filed for quashing the charge sheet dated 16.07.2014, cognizance order dated 19.07.2014, committal order dated 27.06.2024 passed in S.T. No. 777 of 2024 in Criminal Case No. 1806 of 2014, (State Vs. Anand Gupta & Ors.) arising out of Case Crime No. 104 of 2014, under Section 366 I.P.C., P.S. Nawabganj, District Bahraich as well as order dated 31.05.2025 passed on the application moved under Section 207 Cr.P.C. and the entire proceedings of S.T. No. 777 of 2024.
3. Learned counsel for the applicant submits that at the initial stage, one application was moved by the son of respondent no. 2 on 20.01.2013 with the allegation that his wife was enticed away by the applicant, which was registered as NCR No. 05 of 2013. On 23.01.2013, i.e., after three days, an application under Section 155(2) Cr.P.C. was also moved by the complainant of NCR No. 05 of 2013 to investigate the matter, on which, order was passed by the court concerned to for investigation. Later on, another application was moved by the informant of the present case for lodging of the F.I.R., on which, F.I.R. bearing Case Crime No. 104 of 2014 was also lodged. Submission of the learned counsel for the

applicant is that during the course of investigation, all these facts were not considered. Thereafter, application under Section 173(8) Cr.P.C. was moved by the applicant before the trial court, after submission of the charge sheet, but the same was rejected by the trial court vide impugned order dated 27.06.2024 in mechanical manner. At the same time, case in question was committed to the court of Session for the offence under Section 366 I.P.C. It is vehemently submitted that statement of the victim was never recorded, as she is not traceable. Thereafter, one application was also filed for summoning of certain documents, which was also rejected by the trial court on 31.05.2025 and the charge was framed on 08.12.2025. It is, thus, submitted that the indulgence of this Court is necessary and the impugned proceedings may be quashed.

4. Learned A.G.A., vehemently opposes the prayer of the applicant and submits that it is the admitted case of the applicant that the charge has already been framed by the learned Sessions Judge on 08.12.2025 as the applicant was having ample opportunity to argue on the discharge by moving a comprehensive application before framing of charges. It is also submitted that as now the application is having remedy to challenge the charge framed by the Sessions court in revision, the prayer made in the application is misconceived and the application is liable to be dismissed.

5. Considering the arguments advanced by the learned counsel for the applicant, learned A.G.A. and going through the contents of the application, F.I.R., impugned orders as well as other relevant documents, it is evident that charge sheet dated 16.07.2014 was submitted, on which, cognizance was taken by the trial court on 19.07.2014. Thereafter, application under Section 173((8) Cr.P.C. was filed by the applicant, which was decided and the case was committed to the court of Session on 27.06.2024. Thereafter, charge has also been framed by the court concerned on 08.12.2025.

6. In such circumstances, this Court is of the view that proper

remedy available to the applicant, is to challenge the charge framed by the court concerned.

7. The application is misconceived and is, accordingly, dismissed.

8. However, it is open to the applicant to avail the proper remedy against the charge framed by the court concerned.

(Rajeev Singh,J.)

December 16, 2025

VKS