



2025:0004-1 K03:292542

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

APPLICATION U/S 482 No. - 9887 of 2025

Rajesh Kumar Maurya @ Rajesh Kumar

.....Applicant(s)

Versus

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

.....Opposite
Party(s)

Counsel for Applicant(s) : Vijay Nath Pandey, Akanksha Awasthi
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 with the following prayer:-

"To quash the impugned charge-sheet no. 01/2021 dated 16.05.2021 under Sections 406, 420, 504, 506 I.P.C., arising out of First Information Report No. 45/2021 dated 12.02.2021, P.S.- Tikait Nagar, Barabanki as contained in ANNEXURE NO. 1; and summoning order dated 07.10.2021 passed by the Court of learned Additional Chief Judicial Magistrate, Court No. 25, Barabanki as contained in ANNEXURE NO. 2; along with the entire proceedings of Trial No. 27255/2021 under sections 406, 420, 504, 506 I.P.C., arising out of First Information Report No. 45/2021, P.S. Tikat Nagar, Barabanki, pending before the Learned Additional Chief Judicial Magistrate, Court No. 25, Barabanki."

3. Learned counsel for the applicant submits that the applicant has falsely been implicated in the present case, but the Investigating Officer submitted the charge sheet under Sections 406, 420 I.P.C. in mechanical manner. It is further submitted that the trial court has also wrongly taken cognizance on the same and summoned the applicant vide impugned order. It is vehemently submitted that the trial for the offence of cheating as well as criminal breach of trust cannot run together. Reliance in support of his argument has been

placed by the learned counsel for the applicant on the decision of the Hon'ble Supreme Court in the case of **Delhi Race Club (1940) Ltd. & Ors. Vs. State of U.P. & Anr.**, (Criminal Appeal No. 3114 of 2024). It is, thus, submitted that the indulgence of this Court is necessary.

4. Learned A.G.A. opposes the prayer of the applicant and submits there is no illegality in the order passed by the trial court. However, he does not dispute on the legal pronouncement of the Hon'ble Supreme Court in the case of **Delhi Race Club (1940) Ltd.** (supra).

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. as well as other relevant documents, it is evident that the charge sheet was filed by the Investigating Officer for the offences under Section 406, 420 I.P.C. Hon'ble Apex Court in the case of **Delhi Race Club (1940) Ltd.** (supra) has categorically laid down that the trial for the offences of cheating as well as criminal breach of trust cannot run together.

6. In view of above facts and circumstances, this Court is of the view that the impugned summoning order is liable to be set aside. Therefore, the summoning order dated 07.10.2021 is hereby **quashed**.

7. The application stands **allowed**.

8. Trial court is directed to pass fresh orders in the matter in the light of the law laid down in the case of **Delhi Race Club (1940) Ltd.** (supra), within a period of one month from the date of production of a certified copy of this order.

(Rajeev Singh,J.)

December 17, 2025

Arpan