Court No. - 13

Case :- APPLICATION U/S 482 No. - 11352 of 2024

Applicant :- Shobhit Bansal
Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Govt. Lko And Another
Counsel for Applicant :- Gaurav Pandey,Mayank Sharma
Counsel for Opposite Party :- G.A.

And

Case :- APPLICATION U/S 482 No. - 11385 of 2024

Applicant :- Shobhit Bansal
Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko. And Another
Counsel for Applicant :- Gaurav Pandey,Mayank Sharma
Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State.

2. The present applications have been filed with a prayer to quash the order dated 14.11.2024 passed in Crl. Case No. 2828 of 2024 and 2827 of 2024 (Shobhit Bansal Vs. Vanshika Bansal) filed under Section 340 Cr.P.C. (now Section 379 BNSS). Another prayer made is to direct the trial court to decide the said cases in accordance with Section 340 (1) Cr.P.C. (now Section 379(1) BNSS).

3. As both the applications challenge the same proceedings, therefore, are being heard and decided by this common order with the consent of the learned counsel for the parties.

4. Learned counsel for the applicant submits that by way of impugned order, the trial court issued notice to the accused with the intention to conduct a preliminary inquiry. Submission of the learned counsel for the applicant is that the issue in question has already been decided by the Hon'ble Supreme Court in the case of **State of Punjab Vs.**

Jasbir Singh (Criminal Appeal No. 335 of 2020), in which, Hon'ble Apex Court has held that preliminary inquiry is not to be conducted in proceedings under Section 340 Cr.P.C. It is, thus, submitted that the impugned order is liable to be set aside.

5. Learned A.G.A. does not dispute the pronouncement of the Hon'ble Supreme Court in the case of **State of Punjab Vs. Jasbir Singh** (supra). He also concedes that the order passed by the trial court may be set aside and the matter may be remanded back to the trial court.

6. Considering the submissions advanced by the learned counsel for the applicant, learned A.G.A. and going through the contents of the application as well as other relevant documents, including the decision of the Hon'ble Supreme Court in the case of **State of Punjab Vs. Jasbir Singh** (supra), it is evident that the controversy related to the preliminary inquiry under Section 340 Cr.P.C. has already been decided by the Hon'ble Apex Court in the aforesaid case and held there is no necessity to conduct preliminary inquiry in a proceeding under Section 340 Cr.P.C.

7. In view of above facts and discussions, the impugned order dated 14.11.2024 passed in Crl. Case No. 2828 of 2024 and 2827 of 2024 are hereby set aside. The applications stand allowed.

8. Trial court is directed to pass fresh order in the matter within a period of three weeks from the date of production of a certified copy of this order, strictly in accordance with law.

Order Date :- 16.12.2024
VKS

Digitally signed by :-
VIVEK KUMAR SRIVASTAVA
High Court of Judicature at Allahabad,
Lucknow Bench