
(2012) 01 AHC CK 0526
In the Allahabad High Court
Case No : Application No. 31527 of 2011

Jagdish Prasad Jain and Others

APPELLANT

Vs

State of U.P. and Another

RESPONDENT

Date of Decision : 11-01-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 227, 228, 239, 482
Penal Code, 1860 (IPC) — Section 120B, 420, 504, 506

Citation : (2012) 01 AHC CK 0526

Hon'ble Judges : Bala Krishna Narayana, J

Bench : Single Bench

Final Decision : Disposed Of

Judgement

Hon"ble Bala Krishna Narayana, J.—Heard learned counsel for the applicants and learned A.G.A.

2. The present 482 Cr.P.C. application has been filed by the applicants for quashing the proceedings of Criminal Case No. 544 of 2011, under Sections-420, 504, 506 and 120B I. P. C. pending in the Court of A. C. J. M.-IV, Meerut.

3. It is contended that no offence against the applicants is disclosed and the present prosecution has been instituted with a malafide intention for the purposes of harassment. He referred to certain documents and statements in support of his contention.

4. From the perusal of the material on record and looking into the facts of the case at this stage it cannot be said that no offence is made out against the applicants. All the submissions made at the bar relate to the disputed questions of fact, which cannot be adjudicated upon by this Court u/s 482 Cr.P.C. At this stage only prima facie case is to be seen in the light of the law laid down by Supreme Court in cases of R.P. Kapur Vs. The State of Punjab, , State of Haryana Vs. Bhajan Lal, 1992 SCC (Cr.) 426, State of Bihar Vs. P.P. Sharma, 1992 SCC (Cr.) 192 and lastly Zandu Pharmaceutical Works Ltd. Vs. Mohd. Saraful Haq and

another (Para-10) 2005 SCC (Cr.) 283.

5. The disputed defence of the accused cannot be considered at this stage. Moreover, the applicants have got right of discharge u/s 239 or 227/228 Cr.P.C. as the case may be through a proper application for the said purpose and they are free to take all the submissions in the said discharge application before the Trial Court.

6. The prayer for quashing the proceedings of aforementioned criminal case is refused.

7. However, in case the applicants move an application for discharge before the court concerned within thirty days from today along with a certified copy of this order raising all the grounds which have been taken by them in this application u/s 482 Cr. P. C., the said application shall be considered and decided by the court concerned in accordance with law by passing a speaking and reasoned order.

8. Subject to the aforesaid directions, the application is finally disposed of.