

(2012) 01 AHC CK 0204

In the Allahabad High Court

Case No : Application U/S 482 no. 42138 of 2011

Mohd. Hafiz Ali

APPELLANT

Vs

State Of U.P. and Another

RESPONDENT

Date of Decision : 13-01-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482

Penal Code, 1860 (IPC) — Section 354, 506

Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 —
Section 3

Citation : (2012) 01 AHC CK 0204

Hon'ble Judges : Arvind Kumar Tripathi, J

Bench : Single Bench

Judgement

Hon'ble Arvind Kumar Tripathi, J.—This Criminal Misc. Application u/s 482 Cr.P.C. has been filed for quashing of the proceeding of Sessions Trial no. 40/2011 arising out of Case Crime no. 190/11 PS. Harraiya, Basti under sections 354, 506 I.P.C. 3(i) SC/ST Act, and Indian Medical Council Act, 1998. Heard Learned Counsel for the applicants, learned A.G.A. and perused the record.

2. Learned Counsel for the applicants submitted that though no such incident took place and on the basis of the false allegation the First Information Report was lodged and registered, even the charge sheet has been submitted. Even if, the prosecution case is admitted, no offence is made under the provision of SC/ST Act. The prayer for bail has already been allowed by this Court on 8.7.2011, and the applicants are on bail, hence in view of the fact and circumstances of the case, the charge sheet as well entire proceeding is liable to be quashed which was initiated with the malafide intention just to harass the applicants.

3. Learned A.G.A. submitted that in view of the allegation prima facie offence is made out hence no interference is required.

4. Considering the submission of the parties, nature of the allegation at this stage it cannot be said that prima facie commission of offence is not disclosed

against the applicant.

5. However, in view of the facts and circumstances of the case, it is provided that if the applicant appears before the court concerned within three weeks from today and applies for bail, it is expected that the same shall be considered and disposed off expeditiously, in view of the guide lines by Full Bench decision of this High Court in case of Amrawati and another vs. State of U.P. reported in 2004 (57) ALR-390 and by the Apex Court in Lal Kamendra Pratap Singh Vs. State of U.P. and Others, .

6. However, it is further directed that in case the applicant move a discharge application before the court concerned, within thirty days from today, the same shall be heard and disposed of expeditiously at appropriate stage in accordance with law.

7. Till the disposal of the discharge application, no coercive steps shall be taken. With the aforesaid observation this application filed u/s 482 Cr.P.C. is disposed off finally.