
(2014) 02 AHC CK 0055
In the Allahabad High Court
Case No : Application U/S. 482 No. 4627 of 2014

Puneet

APPELLANT

Vs

State of U.P. and Another

RESPONDENT

Date of Decision : 18-02-2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 323 406 504 506

Citation : (2014) 02 AHC CK 0055

Hon'ble Judges : Ramesh Sinha, J

Bench : Single Bench

Advocate : Rajeev Tiwari, for the Appellant;

Final Decision : Disposed Off

Judgement

Ramesh Sinha, J.—Heard Sri Rajeev Tiwari, learned counsel for the applicant and Sri L.D. Rajbhar, learned A.G.A. This application u/s 482 Cr.P.C. has been filed for quashing the entire proceeding of charge sheet No. 651 of 2012 dated 20.11.2012 in Case Crime No. 124 of 2011, under Sections 406, 323, 504, 506 I.P.C. Police Station-Chhibramau, District Kannauj.

2. The contention of learned counsel for the applicant is that no offence against the applicant is disclosed and the present prosecution has been instituted with a malafide intention for the purposes of harassment. He pointed out certain documents and statements in support of his contention.

3. 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 applicant. 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 and others Vs. Ch. Bhajan Lal and others, , State of Bihar and Another Vs. P.P.

Sharma, IAS and Another, and lastly Zandu Pharmaceutical Works Ltd. and Others Vs. Md. Sharaful Haque and Others, . The disputed defence of the accused cannot be considered at this stage.

4. The prayer for quashing of the aforesaid case based on charge sheet is refused.

5. However, it is directed that in case the applicant appears and surrender before the court below within 30 days from today and applies for bail, his prayer for bail shall be considered and decided in view of the settled law laid by this Court in the case of Amarawati and Another (Smt.) Vs. State of U.P., as well as judgment passed by Hon''ble Apex Court reported in Lal Kamendra Pratap Singh Vs. State of U.P. and Others, .

6. It is made clear that the applicant will not be granted any further time by this Court for surrendering before the Court below as directed above. With the aforesaid directions, this application is finally disposed of.