

(2012) 01 AHC CK 0590

In the Allahabad High Court

Case No : Application U/S 482 No. 42095 of 2011

Satyaveer Singh @ Satto and Others

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 332, 353, 392

Citation : (2012) 01 AHC CK 0590

Hon'ble Judges : Arvind Kumar Tripathi, J

Bench : Single Bench

Final Decision : Disposed Of

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 Case No. 156 of 2011 (State vs. Satyaveer and others) under sections 332, 353 I.P.C. PS. Iglas, District Aligarh. Heard Learned Counsel for the applicants, learned A.G.A. and perused the record.

2. Learned Counsel for the applicants submitted that there is valid connection. On the basis of false allegation the First Information Report was lodged. Neither the applicants were consuming the electricity directly by Katia nor official of the electricity department were assaulted. However, on the basis of the false allegation the First Information Report was lodged. Whatever amount was due and notice was issued, the same amount has been deposited on behalf of the applicant, even the charge sheet has been submitted, hence the prayer is to quash the charge sheet as well as the proceeding of Case No. 156 of 2011 arising out of Case Crime No. 736/10 under sections 332, 353, 392 I.P.C. and section 135 Electricity Act, PS. Iglas, District Aligarh.

3. Learned A.G.A. opposed the aforesaid prayer and submitted that there was obstruction in the discharge of the official duty of electricity department. There is injury report, hence in view of the proceeding it cannot be said that no offence is made out against the applicants.

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 made against the applicants.

5. However, in view of the facts and circumstances of the case, it is provided that if the applicants appear before the court concerned within three weeks from today and apply 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 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. For a period of three weeks no coercive steps shall be taken against the applicants. With the aforesaid observation this application filed u/s 482 Cr.P.C. is disposed off finally.