



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 482 No. - 511 of 2025

Kuldeep Singh

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Nishi Sengar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 92

HON'BLE RAM MANOHAR NARAYAN MISHRA, J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State-respondent and perused the material available on record.
2. The instant petition under Section 482, Cr.P.C. has been filed by the applicant with prayer to quash the chargesheet dated 11.08.2015 and cognizance order dated 20.01.2016 in Criminal Case No.288 of 2016, arising out of Case rime No.434 of 2014, under Sections 406, 420 IPC, P.S. Sachendi, District Kanpur Nagar, pending in the court of learned ACJM (SD)-6, Kanpur Nagar.
3. Learned counsel for the applicant submits that true name of the applicant is Brij Mohan, but FIR has been lodged against Kuldeep Singh, however, parentage and address is same. According to FIR version, Kuldeep Singh Chandel son of Ashok Kumar Singh would visit SBI, Branch, Chakarpur Sabjimandi, Kanpur Nagar, where informant is working. He was acquainted to the informant on 10.11.2013 and borrowed Rs.20,000/- from informant for few hours and also took his motorcycle showing urgency, but he never returned his motorcycle nor his money Rs.20,000/-. He further submitted that the incident shown to have occurred on 12.11.2013 and FIR has been lodged on 12.11.2014 after more than a year. The motorcycle in question has also been recovered by police on 07.08.2015. The applicant has been falsely implicated in the case, the dispute is regarding payment of money for recover of the same, no prosecution been lodged instead of availing remedy.
4. Learned counsel for the applicant also placed reliance on a recent judgment of Hon'ble Apex Court in Delhi Race Club (1940) Ltd. and Others Vs. State of Uttar Pradesh and Another 2024 SCC Online SC 2248, wherein Hon'ble Court held that charge under Section 406 and 420 IPC, cannot be stand together.
5. Per contra, learned A.G.A. for the State-respondents submits that a clear case to cheating is made out on the basis of FIR version.

6. Matter requires consideration.
7. Issue notice to respondent No.2, returnable at an early date, through CJM concerned.
8. List this case on 17.11.2025.
9. Till the next date of listing, no coercive process shall be adopted by the court below against the applicant.

(Ram Manohar Narayan Mishra,J.)

September 26, 2025

Ashish/-