

Court No. - 70

Case :- APPLICATION U/S 482 No. - 3331 of 2025

Applicant :- Amrendra @ Deepak Gupta

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Arvind Prabodh Dubey

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Misra,J.

1. Heard Mr. Arvind Prabodh Dubey, the learned counsel for applicant and the learned A.G.A. for State-opposite party-1.

2. Perused the record.

3. Applicant-Amrendra @ Deepak Gupta, who is a named as well as charge sheeted accused and has now been summoned by Court below, has approached this Court by means of present application under Section 482 Cr.P.C. with the following prayer:-

"It is, therefore most respectfully prayed that this Hon'ble Court may graciously be pleased to allow the present application and quash the charge-sheet dated 12.05.2024 and entire proceeding of Criminal Case No. 34718 of 2024 (State Vs. Amrendra @ Deepak Gupta) arising out of Case Crime No. 56 of 2024, Under Sections 376(2)(N), 504, 506 I.P.C., Police Station-Tiwaripur, District-Gorakhpur. As well as cognizance order dated 29.07.2024.

It is further prayed that this Hon'ble Court may be graciously be pleased to stay the further proceeding of Criminal Case No. 34718 of 2024 (State Vs. Amrendra @Deepak Gupta) arising out of Case Crime No. 56 of 2024, Under Sections 376(2)(N), 504, 506 I.P.C., Police Station- Tiwaripur, District-Gorakhpur, pending in the court of Additional Chief Judicial Magistrate, Court No.02, Gorakhpur, and/or pass such other and further order, which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case."

4. At the very outset, the learned A.G.A. submits that applicant had earlier approached this Court by filing Criminal Misc. Writ Petition No. 5881 of 2024 (Amrendra @ Deepak Gupta and Another Vs. State of U.P. and 2 Others), challenging the FIR dated 23.03.2024 giving rise to present criminal proceedings. In the aforementioned criminal misc. writ petition, an interim order dated 16.04.2024 was passed by a Division Bench of this Court. For ready reference, the same is extracted herein under:-

"1. Heard learned counsel for the petitioners and learned A.G.A. for the

State-respondents.

2. This writ petition has been filed for quashing of the First Information Report dated 23.03.2024 registered as Case Crime No. 0056 of 2024. Still further the petitioners have prayed that the respondents may not arrest the petitioners in Case Crime No. 0056 of 2024, under Sections 376(2)(n), 313, 504, 506, 109 of I.P.C., Police Station - Tiwaripur, District ? Gorakhpur.

3. Contention of learned counsel for the petitioners is that allegation made would not stand the test of law as it has been alleged that the informant had a long continuous physical relationship with accused Amrendra @ Deepak Gupta. He further submits that petitioner no. 2 has been falsely implicated in the case for no reason whatsoever. Learned counsel for the petitioners has relied upon judgement of Pramod Suryabhan Pawar vs. State of Maharashtra (2019) 9 SCC 608 and Sonu vs. State of U.P. (2021) 18 SCC 517.

4. Matter requires consideration.

5. Respondents no. 1 and 2 are represented by learned A.G.A. Issue notice to respondent no. 4.

6. Respondents may file counter affidavit within a period of three weeks. Rejoinder affidavit, if any, may be filed within two weeks thereafter.

7. List thereafter.

8. Till the next date of listing or till the submission of charge-sheet, whichever is earlier, no coercive action shall be taken against the petitioners."

5. Learned A.G.A. further submits that aforementioned Criminal Misc. Writ Petition is still pending.

6. In view of above, it is desirable that this application be heard along with aforementioned criminal misc. writ petition.

7. Accordingly, connect this application along with aforementioned criminal misc. writ petition.

8. Matter shall re-appear as fresh on 22.05.2025 along with connected matter before appropriate Bench after obtaining an order of nomination from Hon'ble The Chief Justice.

9. When the matter is listed next, the details of both the matters shall be duly published in the cause list.

Order Date :- 15.5.2025

Vinay