

Court No. - 89

Case :- APPLICATION U/S 482 No. - 33881 of 2023

Applicant :- Pankaj Singh And Another

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

Counsel for Applicant :- Imran Syed

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

1. Heard Sri Lakhan Srivastava, Advocate holding brief of Sri Imran Syed, learned counsel for the applicants; learned A.G.A. for the State and perused the material placed on record.
2. The present 482 Cr.P.C. application has been filed to quash the charge sheet dated 28.07.2021; cognizance/summoning dated 16.08.2021 as well as entire proceedings of Criminal Case No.2350 of 2021 (State Vs. Pankaj Singh and another) arising out of Case Crime No.122 of 2021, under Sections 419, 420, 467, 468, 471, 384 & 34 I.P.C., P.S. Kotwali Chunar, District Mirzapur.
3. Learned counsel for the applicants submits that applicant no. 1 had a valid license to collect the toll tax. Instant proceedings initiated against the applicant is malicious proceedings and from the record of S.D.M. dated 28.06.2021, it is apparent that prima facie it appears that applicant was given license to collect toll tax. Instant proceedings is not supported by any cogent evidence to prosecute.
4. Matter requires consideration.
5. Notice on behalf of opposite party no. 1 has been accepted by learned A.G.A.
6. Issue notice to opposite party no.2 returnable at an early date.
7. Opposite parties may file their counter affidavits within six weeks. Rejoinder affidavit may be filed within two weeks thereafter.
8. List thereafter.
9. Till the next date of listing, no coercive action shall be taken against the applicants in Criminal Case No.2350 of 2021 (State Vs. Pankaj Singh and another) arising out of Case Crime No.122 of 2021, under Sections 419, 420, 467, 468, 471, 384 & 34 I.P.C., P.S. Kotwali Chunar, District Mirzapur.

Order Date :- 3.11.2023

Meenu Singh