

Court No. - 71

Case :- APPLICATION U/S 528 BNSS No. - 19223 of 2025

Applicant :- Arun Kumar Singh Alias Arunesh Alias Rajeev

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

Counsel for Applicant :- Adarsh Shukla, Ashwani Kumar Singh, Basharat Ali Khan

Counsel for Opposite Party :- G.A., Sanjay Kumar Mishra

Hon'ble Raj Beer Singh, J.

Heard learned counsel for applicant, learned counsel for the informant / opposite party No. 2 and learned A.G.A. for the State.

It has been argued by learned counsel for the applicant that the allegations levelled against the applicant are wholly false. The allegation that applicant has appeared in the high school examination by showing his false information, is wholly false. Applicant was working as Rojgar Sevak and he was terminated on the alleged ground but his termination has been quashed by this Court vide order dated 09.11.2023 passed in Writ-A No. 14133 of 2023. It was submitted that once the allegations made against the applicant have been disbelieved by this Court in service matter, the impugned criminal proceedings are abuse of the process of court and thus, liable to be quashed.

Learned AGA and learned counsel for the informant / opposite party No. 2 have opposed the application and submitted that in view of the allegations made in the first information report and the material collected during investigation, a prima facie case is made out against the applicant. It was submitted that merely because termination of applicant has been set aside, the impugned proceedings are not liable to be quashed.

Matter requires consideration.

The opposite parties may file counter affidavit within four weeks.

List on 09.09.2025.

Till the next date of listing, no coercive action shall be taken against the applicant in case No. 6502 of 2024, arising out of case crime no. 0186 of 2023, under Sections 419, 420, 467, 468, 471, 409 IPC, P.S. Ahirauli Bazar, district Kushinagar, pending in the court of J.M., Kasya, Kushinagar.

Order Date :- 9.7.2025

Anand