

Court No. - 87

Case :- APPLICATION U/S 482 No. - 45711 of 2023

Applicant :- Shivkant

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

Counsel for Applicant :- Ravish Chandra Srivastava, Vijay Kumar Ojha

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma, J.

1. Heard counsel for the applicant and Sri Neeraj Kumar Sharma, learned A.G.A. for the State.
2. The instant application under Section 482 Cr.P.C. has been filed with the prayer to quash the charge sheet dated 20.06.2023 as well as the cognizance order dated 14.08.2023 and the entire proceedings of Criminal Case No. 31460 of 2023 (State vs. Shivkant) arising out of Case Crime No. 0200 of 2023, under Sections 354, 504, 323 and 506 of I.P.C., Police Station- Phase-1, Commissionerate-Gautam Budh Nagar.
3. Counsel for the applicant submits that the applicant was earlier working as Senior Manager at Corporate Infotech Pvt. Ltd., Noida. The services of the applicant were terminated by the said company. The applicant approached the Labour Court for his reinstatement. Subsequently, with regard to an incident dated 14.12.2022, the applicant lodged a first information report on 28.03.2023 against the CEO and other officials of the said Company registered as Case Crime No. 0165 of 2023, under Sections 384, 450, 406, 467, 468, 34, 120B, 323, 504 and 506 of I.P.C., Police Station- Commissionerate Gautam Budh Nagar, In counterblast to the said proceedings, the instant prosecution has been instituted against the applicant. The informant is the Company Secretary of the alleged company. In the alleged incident, no person has received any injury. The instant prosecution is an abuse of the process of law.
4. Matter requires consideration.
5. Issue notice to opposite party no. 2.
6. Opposite parties are granted six weeks' time to file counter affidavit. Rejoinder affidavit, if any, may be filed within two weeks thereafter.
7. Place this case in the additional cause list on 02.04.2024.
8. Till the next date of listing further proceedings of the aforesaid case shall remain stayed.

Order Date :- 30.1.2024

Sachin Mishra