

Court No. - 78

Case :- APPLICATION U/S 482 No. - 21908 of 2024

Applicant :- Mohit Saini

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

Counsel for Applicant :- Raj Kumar Dhama

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Pachori, J.

Heard Shri Raj Kumar Dhama, learned counsel for the applicant and Shri R.K. Singh, learned A.G.A. for the State.

The present 482 Cr.P.C. application has been filed to quash the entire proceedings of Session Trial No. 254 of 2023 (State Vs. Mohit Saini) arising out of case crime No. 302 of 2022, under Sections 504, 506, 354, 376(2)(f), I.P.C. and Section 66E of Information Technology Act, Police Station- Binauli, District Baghpat as well as cognizance/summoning order dated 12.4.2023, pending in the court of Additional Sessions Judge/F.T.C.-1st, Baghpat.

Learned counsel for the applicants submits that the first information report dated 16.11.2022 has been lodged by the victim on the basis of false and frivolous allegations with ulterior motive and only to harass the present applicant. It is further submitted that as per allegation of FIR, the applicant made physical relations with the victim on the false pretext of marriage five years prior to lodging of first information report and after solemnizing marriage by the victim with another person, the applicant started blackmailing the victim. It is further submitted that there is no pre-summoning electronic evidence.

Learned counsel for the applicant relied upon the judgments of Apex Court in **Pramod Suryabhan Pawar Vs. The State of Maharashtra, 2019 (9) SCC 608** and **Sonu @ Subhash Kumar Vs. State of Uttar Pradesh and another, LL 2021 SC 137**.

Prima facie, matter requires consideration.

Learned A.G.A. has accepted notice on behalf of opposite party No. 1.

Issue notice to opposite party no.2 returnable at an early date.

Learned A.G.A. as well as opposite party no. 2 may file their counter affidavits within three weeks. Rejoinder affidavit may be filed within one week thereafter.

List after eight weeks.

Until further orders of this Court, further proceedings of the aforesaid case shall remain stayed against the applicant.

Order Date :- 10.9.2024

T. Sinha