

Court No. - 78

Case :- APPLICATION U/S 482 No. - 26777 of 2024

Applicant :- Swatantra Mishra And Another

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

Counsel for Applicant :- Neeraj Kumar Srivastava, Yogesh Kumar Pandey

Counsel for Opposite Party :- G.A., Manish Ojha

Hon'ble Sanjay Kumar Pachori, J.

Sri Maish Ojha, learned counsel for the Opposite Party No.2 pointed out that he has filed vakaltnama in the registry but the same is not on record. Office is directed to trace out the same and place it on record.

Office is also directed to show the name of Sri Manish Ojha, as counsel for the Opposite Party No.2 in the next cause list.

Heard Shri Neeraj Kumar Srivastava, learned counsel for the applicants and, Sri Manish Ojha, learned counsel for the Opposite Party No.2 and learned A.G.A. for the State.

The present application under Section 482 of the Code of Criminal Procedure, 1973 has been filed to quash the entire proceedings of Criminal Case No. 67201 of 2019 (State Vs. Swatantra Mishra and another) arising out of Case Crime No. 178 of 2023, under Sections 147, 419, 420, 506 and 406 I.P.C., Police Station-Rajatalab, District Varanasi as well as cognizance/ summoning order dated 01.07.2024, pending in the court of Additional Chief Judicial Magistrate, Court No.4, Varanasi.

Learned counsel for the applicant submits that the first information report dated 22.10.2023 has been lodged on the basis of false and frivolous allegations with ulterior motive and only to harass the present applicant. It is further submitted that prior to lodging of the FIR, a complaint under Section 138 of N.I. Act has been filled by the first informant. It is further submitted that the first informant converted a civil dispute into a criminal case.

Prima facie, matter requires consideration.

Notice on behalf of opposite party no. 1 has been accepted by learned A.G.A.

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

List after eight weeks.

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

Order Date :- 14.8.2024

Akram