

Court No. - 77

Case :- APPLICATION U/S 482 No. - 29246 of 2024

Applicant :- Ranmat Rajpoot Alias Ranmat Singh Rajpoot

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

Counsel for Applicant :- Abhinav Gaur, Mohd. Rashid Siddiqui, Sr. Advocate, Vibhu Rai

Counsel for Opposite Party :- G.A., Shyam Babu Vaish

Hon'ble Sanjay Kumar Pachori, J.

Sri Anoop Trivedi, learned Senior Advocate assisted by Sri Vibhu Rai, learned counsel for the applicant, Sri Shyam Babu Vaish, learned counsel for the opposite party no. 2 and Sri R.K. Singh, learned A.G.A. for the State are present.

The present application u/s 482 Cr.P.C. has been filed with prayer to quash the entire proceedings of Case No. 1731 of 2024 (State vs. Ranmat Singh Rajpoot), arising out of Case Crime No. 91 of 2024, under Sections 419, 420, 467, 468, 471 of I.P.C., P.S. Kotwali Nagar (Mahoba), District Mahoba, as well as cognizance/summoning order dated 9.8.2024, pending in the Court of C.J.M., Mahoba.

Learned Senior counsel for the applicant submitted that impugned First Information Report dated 21.2.2024 has been lodged on the basis of false and frivolous allegations with ulterior motive and only to harass the applicant. It is further submitted that charge sheet has not been submitted for the offence punishable under Sections 419, 420, 467, 468, 471 of I.P.C. of I.P.C. in which F.I.R. was also lodged. It is further submitted that as per allegation of F.I.R., applicant agreed to file counter affidavit in a writ petition which has been filed against cancellation of bid with better statements, in favour of the first informant. It is further submitted that cognizance order has been passed without any sanction under Section 197 of Cr.P.C. Applicant is Executive Officer (now retired). It is further submitted that there is no pre-summoning evidence with regard to offence punishable under Sections 419, 420, 467, 468, 471 of I.P.C. against the applicant.

It is further submitted that Division Bench of this court protected the applicant till the submission of police report under Section 173(2) of Cr.P.C. in Crl. Misc. Writ Petition No. 3604 of 2024 vide order dated 15.4.2024.

Prima facie, matter requires consideration.

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

Issue notice to respondent no. 2 through C.J.M. concerned, returnable at an early date.

Learned A.G.A. as well as respondent no. 2 may file their counter affidavits within three weeks.

Rejoinder affidavit may thereafter be filed within one week.

List this case after eight weeks.

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

Order Date :- 29.11.2024

A.P. Pandey