

Court No. - 75

Case :- APPLICATION U/S 482 No. - 36181 of 2024

Applicant :- Rahul

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

Counsel for Applicant :- Suresh Chandra

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Pachori,J.

Heard Shri Suresh Chandra, learned counsel for the applicant and Shri Chhavi Pal Singh, learned A.G.A. for the State.

The present 482 Cr.P.C. application has been filed by the applicant to quash the entire proceedings of criminal case No. 20 of 2022 (State Vs. Rahul and others) arising out of case crime No. 390 of 2021, under Sections 406, 506, 419, 420, 467, 468, 471, I.P.C., Police Station- Akrabad, District Aligarh as well as cognizance/summoning order dated 3.1.2022, pending in the court of Judicial Magistrate, Court No. 3, Aligarh.

Learned counsel for the applicant submits that the first information report dated 24.9.2021 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 as per allegation of F.I.R., the applicant agreed to sell a piece of land to the first informant after receiving Rs. 17,00,000/- as advance out of total sale consideration of Rs. 20,00,000/-, but he did not execute the sale deed in favour of the first informant and also did not return the advance money. It is further submitted that the first informant converted the civil dispute into a criminal case. It is further submitted that the cognizance order has been passed without considering the essential ingredients of the offence punishable under Sections 420, 406, I.P.C. for the same set of act respectively.

Learned counsel for the applicant relied upon the judgment of Apex Court in **Delhi Race Club (1940) Ltd. Vs. The State of Uttar Pradesh & Anr., 2024 SCC OnLine SC 2248.**

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 :- 9.1.2025

T. Sinha