

Court No. - 75

Case :- APPLICATION U/S 482 No. - 36042 of 2024

Applicant :- Ajay Kumar Sharma

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

Counsel for Applicant :- Abhinav Gaur, Ankit Shukla, Mohd.

Rashid Siddiqui, Sr. Advocate

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Pachori, J.

Sri Anoop Trivide, learned Senior Advocate assisted by Sri Ankit Shukla, learned counsel for the applicant and Sri Karunakar 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 Criminal Case No. 4831 of 2024 (State vs. Ajay Kumar Sharma), arising out of Case Crime No. 821 of 2021, under Sections 195, 419, 420, 467, 468, 471, 34 and 120B of IPC, P.S. Baraut, District Baghpat as well as cognizance/summoning order dated 10.07.2024, pending in the Court of Chief Judicial Magistrate, Baghpat.

Learned counsel for the applicants submitted that impugned First Information Report dated 28.07.2021 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 as per allegation of FIR which has been lodged against co-accused Lokendra @ Kallu being Case Crime No. 431 of 2020 was lodged on the basis of an application under Section 156 (3) Cr.P.C. by Praveen Tomar and at that time the applicant was the then Station House Officer of Police Station Baraut. It is further submitted that there is no pre summoning evidence with regard to hatching conspiracy to alleged offence against the applicant.

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 :- 11.2.2025

MAA/-