

**Court No. - 89**

**Case :-** APPLICATION U/S 482 No. - 41944 of 2024

**Applicant :-** Vaibhav Mittal Nad 5 Others

**Opposite Party :-** State Of U.P. And 2 Others

**Counsel for Applicant :-** Nipun Singh, Vivek Chaturvedi

**Counsel for Opposite Party :-** G.A., Prashant Singh, Raj Deo Singh

**Hon'ble Jitendra Kumar Sinha, J.**

1. Heard Sri Vivek Chaturvedi, learned counsel for the applicants, Sri Prashant Singh, learned counsel for opposite party no.2 and Sri V. P. Maurya, learned A.G.A. for the State-opposite party no.1.

2. This application u/s 482 Cr.P.C. has been preferred for quashing of the impugned charge sheet dated 23.10.2023 as well as the impugned summoning order dated 19.12.2023 passed by the learned Additional Chief Judicial Magistrate, Court No.1, Muzaffarnagar, in Case No.41412/9 of 2023 (Vaibhav and others Vs. State), arising out of Case Crime No.0470 of 2023, under sections 420 and 406 IPC, Police Station Nail Mandi, District Muzaffarnagar and also to quash the entire proceedings of aforesaid case.

3. It is contended by the learned counsel for the applicants that present prosecution is an abuse of the process of the Court as civil/commercial transaction has been given the color of criminal offence. He further submits that submits that the offence under section 420 and 406 IPC cannot be made out against the applicants, in view of the judgment of the Hon'ble Supreme Court in the case of Delhi Race Club (1940) Ltd. and Others Vs. State of Uttar Pradesh and Another, 2024 SCC Online 2248.

4. On the other hand, learned A.G.A. for the State as well as learned counsel for opposite party no.2 submits that from the very inception the intention of the applicants is to cheat the opposite party no.2 and it cannot be said that no criminal offence is made out against the applicant.

5. In view of the above, prima-facie case for consideration is made out and detailed hearing is required in the matter.

6. Let notice be issued to opposite party no.2 returnable at an early date.

7. Opposite parties may file counter affidavit within four weeks. Rejoinder affidavit may be filed within two weeks thereafter.

8. List this case on 08.10.2025 as fresh.

9. Till the next date of listing, no coercive action shall be taken against the applicants in the aforesaid case.

**Order Date :- 12.8.2025**

VKG