

# **Ramakant Singh Rajpoot @ Ramakant Singh ... vs State Of U.P. And Another on 4 February, 2025**

**Author: Raj Beer Singh**

**Bench: Raj Beer Singh**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:14942

Court No. - 73

Case :- APPLICATION U/S 482 No. - 32899 of 2024

Applicant :- Ramakant Singh Rajpoot @ Ramakant Singh And Another

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

Counsel for Applicant :- Dinesh Kumar Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Raj Beer Singh,J.

1. Heard learned counsel for the applicants and learned A.G.A. for the State.
2. This application u/s 482 Cr.P.C. has been filed with the prayer to quash of entire proceedings, including summoning order dated 05.08.2024, of Complaint Case No. 101 of 2023 (Raghvendra @ Raghuvendra Singh Yadav Vs. Ramakant Singh Rajpoot and others), under Sections 323, 504, 506, 427, 406 IPC, P.S.- Nawabad, District- Jhansi, pending in the court of C.J.M., Jhansi.
3. It has been submitted by learned counsel for the applicants that applicants are innocent and no prima-facie case is made out against the applicants. The dispute was regarding business of partnership firm of applicant and others and by making false allegation said civil dispute has been converted into criminal proceedings. The allegations of complainant that applicants have assaulted

the complainant and snatched an amount of Rs.1750/- from him, are wholly false. Learned counsel has referred facts of the matter and submitted that no prima-facie case is made out. It is further submitted that in fact on 22.07.2023 the driver of applicant no.1, namely, Rohit Verma has lodged a first information report against opposite party no.2 and three unknown persons for offence under Sections 323, 504, 506 IPC and thereafter the opposite party no.2 has filed an application under Section 156(3) Cr.P.C. against applicants on 25.07.2023 as a counterblast, which was registered as a complaint case. The alleged injuries shown to the complainant are false and fictitious. Learned counsel has referred case of Vijay Kumar Ghai & Ors. Vs. The State of West Bengal & Ors. 2022 Live Law (SC) 305 and Mohammad Wajid & Ors. Vs. State of UP (Criminal Appeal No.2340 of 2023), decided on 08.08.2023 and submitted that no case is made out against the applicants.

4. Learned A.G.A. has opposed the application and submitted that the complainant has made clear allegations that on 18.07.2023 he was assaulted by the applicants and they have snatched Rs.1750/- from him. In the incident, the complainant has sustained injuries. The version of complainant is supported by the witnesses examined under Section 202 Cr.P.C. It was submitted that merely because the trial Court has observed that incident was shown by exaggerating the dispute, it can not be said that no prima-facie case is made out against the applicants.

5. I have considered the rival submissions and perused the record.

6. The legal position on the issue of quashing of criminal proceedings is well-settled that the jurisdiction to quash a complaint, FIR or a charge-sheet should be exercised sparingly and only in exceptional cases. However, where the allegations made in the FIR or the complaint and material on record even if taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused, the charge-sheet may be quashed in exercise of inherent powers under Section 482 of the Cr.P.C. In well celebrated judgement reported in AIR 1992 SC 605 State of Haryana and others Vs. Ch. Bhajan Lal, Supreme Court has carved out certain guidelines, wherein FIR or proceedings may be quashed but cautioned that the power to quash FIR or proceedings should be exercised sparingly and that too in the rarest of rare cases. In this connection, a reference may also be made to the case of R. Kalyani vs. Janak C. Mehta and Others, 2009 (1) SCC 516, Rupan Deol Bajaj vs. K.P.S. Gill (1995) SCC (Cri) 1059, Rajesh Bajaj vs. State of NCT of Delhi, (1999) 3 SCC 259 and Medchl Chemicals & Pharma (P) Ltd vs. Biological E Ltd. & Ors, 2000 SCC (Cri) 615. It has been held that if a prima facie case is made out disclosing ingredients of the offence, court should not quash the charge sheet/complaint. It is equally well settled that at this stage questions of fact cannot be examined and a mini trial cannot be held.

7. In case of Mohammad Wajid & Anr. (supra), the Hon'ble Apex Court discussed various case laws and ingredients of Sections 503, 504, 506 IPC and referring to case of State of Haryana and others Vs. Ch. Bhajan Lal, in Para no.30 the Court has held as under:-

"30. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed

essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc., then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482 of the CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged."

8. In case of Vijay Kumar Ghai & Ors. (supra), the Hon'ble Apex Court has considered ingredients of Section 405, 420 IPC and in Para no. 36 held as under:-

"36. Having gone through the complaint/FIR and even the chargesheet, it cannot be said that the averments in the FIR and the allegations in the complaint against the appellant constitute an offence under Section 405 & 420 IPC, 1860. Even in a case where allegations are made in regard to failure on the part of the accused to keep his promise, in the absence of a culpable intention at the time of making promise being absent, no offence under Section 420 IPC can be said to have been made out. In the instant case, there is no material to indicate that Appellants had any malafide intention against the Respondent which is clearly deductible from the MOU dated 20.08.2009 arrived between the parties."

9. Coming to the facts of the present case, it is clear that the complainant has made allegations that on account of dispute in relation to business of partnership firm, both the applicants have assaulted him and they have snatched Rs.1750/- from him. This version of complainant is supported by medical examination report of the complainant. The complainant has further supported said version in his statement under Section 200 Cr.P.C. The witnesses examined under Section 202 Cr.P.C. have also supported the said version. There is nothing on record to show that alleged Rohit Verma, who has lodged first information report against opposite party no.2, is driver of applicants. The submissions raised by learned counsel for the applicants call for determination on questions of fact,

which may adequately be discerned/adjudicated only by the trial court. Even the submissions made on point of law can also be more appropriately gone into by the trial court. In view of allegations made in the complaint and statement of complainant recorded under Section 200 Cr.P.C. and statements of witnesses recorded under Section 202 Cr.P.C., it can not be said that no prima facie case is made out against the applicants. Hence, the prayer as sought above, is hereby refused.

10. However, keeping in view the facts of the matter, it is directed that in case, applicants appear/surrender before the court concerned within a period of four weeks from today and apply for bail, their bail application shall be considered and decided expeditiously in accordance with settled law. For a period of four weeks from today or till the applicants surrender before the court below, whichever is earlier, no coercive action shall be taken against the applicants in the aforesaid case.

11. With the aforesaid observations, the application under Section 482 Cr.P.C. is disposed of.

Order Date :- 4.2.2025 'SP'/-