

# **Ravi Shankar Pratap Narayan vs State Of U.P. And Another on 3 March, 2025**

**Author: Raj Beer Singh**

**Bench: Raj Beer Singh**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:29811

Court No. - 73

Case :- APPLICATION U/S 528 BNSS No. - 6862 of 2025

Applicant :- Ravi Shankar Pratap Narayan

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

Counsel for Applicant :- Devesh Pandey,J.P. Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Raj Beer Singh,J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
2. This application u/s 528 B.N.S.S. has been filed for quashing of entire proceedings, including summoning order dated 14.08.2024, of Complaint Case No. 3168 of 2020 (Vindrawati Devi Vs. Ravi Shankar Pratap Narayan), under Sections - 419, 420, 468 I.P.C., Police Station - Tarkulwa, District - Deoria, pending in the court of Additional Chief Judicial Magistrate, Court No. 19, Deoria.
3. It is submitted by learned counsel for applicant that impugned complaint has been lodged by the opposite party no.2 making false and baseless allegations. The allegation that applicant is not the

son of Brij Raj Prasad is wholly false. Learned counsel has referred certificate of District Magistrate, Kushi Nagar, wherein only the name of applicant has been shown as legal heir of Brij Raj Prasad. After death of Brij Raj Prasad, it was applicant who has performed his last rites. There are contradictions in the version of complaint and statement of complainant and of witnesses and the Trial court has not considered the matter in correct perspective and summoned the applicant in an arbitrary manner. Referring to facts of the matter, it was submitted that dispute between the parties is purely civil in nature and no prima facie case is made out against applicant.

4. Learned A.G.A. has opposed the application and submitted that the complainant has made clear allegations that she was married with Brij Raj Prasad in the year 1979 and they have no child. After death of her husband Brij Raj Prasad in the year 2018, she came to know that one Ravi Shankar (applicant) has applied for job in dying-in-harness scheme by showing himself as son of Brij Raj Prasad and he has obtained succession certificate by way of cheating and forgery. It was submitted that a prima facie case is made out against applicant.

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 judgment 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.

7. In the instant matter, the complainant has made clear allegations that she was married with Brij Raj Prasad in the year 1979 and they have no child. Brij Raj Prasad was working in Health department. After death of her husband Brij Raj Prasad in the year 2018, she came to know that one Ravi Shankar (applicant) has applied for job in dying-in-harness scheme by showing himself as son of Brij Raj Prasad. She has alleged that applicant has obtained succession certificate by way of cheating and forgery. The complainant has supported the said version in her statement recorded under Section - 200 Cr.P.C.. The version of complainant is further supported by the witnesses examined under Section 202 Cr.P.C.. 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 as well as of witnesses, no case for quashing of impugned proceedings is made out. Hence, the prayer sought by the applicant is refused.

8. However, it is directed that in case applicant moves an application for discharge within a period of three weeks from today, the same shall be considered and decided expeditiously in accordance with law. For a period of three weeks from today and in case such an application is moved within the

aforesaid period, till the disposal of such application, no coercive action shall be taken against applicant, provided applicant co-operates in early disposal of the discharge application.

9. With the aforesaid observations, the instant application under Section - 528 B.N.S.S. is disposed of.

Order Date :- 3.3.2025 S Rawat