

Allahabad High Court

Rajesh Singh @ Guddu Singh vs State Of U.P. And Another on 28 June, 2010

Court No. - 40

Case :- APPLICATION U/S 482 No. - 21596 of 2010

Petitioner :- Rajesh Singh @ Guddu Singh

Respondent :- State Of U.P. And Another

Petitioner Counsel :- Pradeep Kumar Rai, Sri Kamal Krishna

Respondent Counsel :- Govt Advocate

Hon'ble Vinod Prasad, J.

Heard learned counsel for the applicant and the learned A.G.A.

The applicant, through the present application under Section 482 Cr.P.C. has invoked the inherent jurisdiction of this Court with the prayer that the proceeding of Case No. 7424 of 2009 under Section 419, 420, 467, 468, 471 I.P.C., P.S. Cantt. , District Varanasi, pending in the court of Chief Judicial Magistrate, Varanasi be quashed.

It was contended that the police did not investigate the offence at all. On the basis of a single testimony of the informant, without investigating the offence, it charge sheeted the applicant because of involvement of influential people. It was further submitted that in respect of property in question, the parties are litigating in Civil Court since last 37 years and the said litigation is still pending. It was pointed out that the Civil Litigation starting in 1973 through a Civil Suit in which the relief sought was for possession and ejectment. The learned counsel submitted that the applicant is claiming right over the property and once the respondent fails to get any relief from the Civil Court then he start resorted to the nefarious design of lodging of a malicious prosecution and in such a view, the present prosecution of the applicant is nothing but vexatious.

The applicant is directed to serve respondent no. 2 through RPAD within a week from today. Learned AGA as well as respondent No. 2 may file counter affidavit within a period of three weeks.

List this case in the week commencing 16th August, 2010 before the appropriate Bench.

Till the next date of listing, further proceedings of the aforesaid Case No. 7424 of 2009 under Section 419, 420, 467, 468, 471 I.P.C., P.S. Cantt. , District Varanasi, pending in the court of Chief Judicial Magistrate, Varanasi shall remain stayed against the applicant.

Order Date :- 28.6.2010 Naresh