

# Mukesh Singh And 4 Others vs State Of U.P. And Another on 26 September, 2024

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2024:AHC:159137

Court No. - 80

Case :- APPLICATION U/S 482 No. - 23827 of 2024

Applicant :- Mukesh Singh And 4 Others

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

Counsel for Applicant :- Rajesh Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Vinod Diwakar,J.

1. Heard learned counsel for the applicants, learned A.G.A. for the State and perused material on record.
2. The instant application u/s 482 Cr.P.C. has been filed with the prayer to quash the charge-sheet no. 256 of 2021, dated 17.10.2021, cognizance order dated 27.06.2022 as well as entire proceedings of Criminal Case No. 7723 of 2022, titled as State v. Mukesh Singh Chauhan, arising out of Case Crime No. 74 of 2021, under Sections 147, 186, 272, 273, 332 IPC and Section 26, 62, 63, 59 (1) of Food Safety and Standard Act, registered at P.S. Etmadpur, District Agra, pending in the court of Additional Chief Judicial Magistrate-1st, Agra.
3. Learned counsel for the applicants submits that the applicants are innocent and they have been falsely implicated in the instant case. To substantiate his argument, learned counsel has relied upon the medical examination report, issued by the Government Public Analyst Uttar Pradesh, Lucknow,

wherein no adulteration in the milk has been opined by the examiner. Learned counsel further submits that without considering the report of Food Analyst, in which no adulteration was found, the Investigating Officer submitted charge-sheet against the applicants. The impugned summoning order has been passed without applying judicial mind.

4. Per contra, learned A.G.A. has opposed the application and submitted that there are serious allegations against the applicants that the applicants were involved in the business of adulterated milk. Food Safety Officer has conducted spot inspection at the house of applicants and collected sample of milk and after examination it was found adulterated, therefore, no case of quashing of the aforesaid proceedings is made out.

5. In the instant matter, the submissions raised by learned counsel for the applicant call for determination on questions of fact which may be adequately adjudicated upon only by the trial court. Adjudication of questions of facts and appreciation of evidence or examining the reliability and credibility of the version, does not fall within the arena of jurisdiction under Section 482 Cr.P.C. In view of the material on record it can also not be held that the impugned criminal proceeding are manifestly attended with mala fide and maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge. Similarly no such illegality, perversity or any other substantial error could be pointed out in the impugned summoning order, so as to warrant any interference by this court in exercise of powers u/s 482 CrPC.

6. Perusal of record and on examination of document placed before the Court, its prima-facie observed that the report by the Government Public Analyst Uttar Pradesh, Lucknow, cannot be taken as a conclusive proof in proceedings under Section 482 Cr.P.C. because the validity of the procedure adopted by the examiner needs to be tested during trial, therefore, no case for quashing of impugned proceedings is made out.

7. The application u/s 482 Cr.P.C. is devoid of merit and it is accordingly dismissed.

Order Date :- 26.9.2024 A. Tripathi Justice Vinod Diwakar