

# **Raghunandan Varshney vs State Of U.P. And Another on 5 January, 2023**

**Author: Rajiv Gupta**

**Bench: Rajiv Gupta**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Court No. - 65

Case :- APPLICATION U/S 482 No. - 24965 of 2022

Applicant :- Raghunandan Varshney

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

Counsel for Applicant :- Narayan Singh(Kushwaha)

Counsel for Opposite Party :- G.A.

Hon'ble Rajiv Gupta,J.

Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

This application under Section 482 CrPC has been filed by the applicant with the prayer to quash the impugned order dated 15.01.2021 as well as entire proceedings of Criminal Case No. 620 of 2021 (State Vs. Raghunandan Varshney and Others), under Sections 420, 272, 273 IPC and Section 57 of Food Safety and Standards Act, Police Station Pilua, District Etah, pending in the court of Additional Chief Judicial Magistrate, Court No.17, Etah.

As per the allegations made in the FIR as well as statement of the witnesses recorded under Section 161 CrPC, it is alleged that on 11.07.2019 at about 5:10 PM, an inspection was made by the police party at the house of the applicant and arrested him on the spot and 107 bags of destrine powder, 2 drums palm oil, etc has been recovered. On the basis of the said recovery, an FIR has been

registered against the applicant alleging therein that the applicant was involved in manufacture of synthetic milk.

Learned counsel for the applicant has submitted that the applicant is wholly innocent and has been falsely implicated in the present case due to ulterior motive.

Learned counsel for the applicant has next submitted that allegations made in the FIR are false, cooked up and concocted made just with an intention to drag the applicant in criminal court and as such, impugned order be quashed.

Per contra, learned AGA has vehemently opposed the aforesaid prayer and has submitted that from perusal of the allegations made in the FIR and material collected during the course of investigation, prima facie offence is clearly made out against the applicant and as such, impugned order cannot be quashed.

Having considered the rival submissions made by learned counsel for the parties and from perusal of the allegations made in the FIR as well as statements of the witnesses recorded under Section 161 CrPC, prima facie offence is clearly made out against the applicant.

At this stage, disputed question of fact cannot be considered, therefore, in view of law laid down by Hon'ble Apex Court in the cases of R.P. Kapur Vs. State of Punjab, AIR 1960 SC 866, State of Haryana Vs. Bhajan Lal, 1992 SCC (Cri.) 426, State of Bihar Vs. P.P. Sharma, 1992 SCC (Cri.) 192 and lastly Zandu Pharmaceutical Works Ltd. Vs. Mohd. Saraful Haq and another, (Para-10) 2005 SCC (Cri.) 283, prayer for quashing the impugned order and entire proceedings is refused.

However in case, the applicant appears/ surrenders before the court below and applies for bail within three weeks from today, his bail application be considered and decided in view of law laid down by Hon'ble Apex Court in the case of Satender Kumar Antil Vs. Central Bureau of Investigation and another reported in (2021) 10 SCC 773, after hearing both the parties.

With the aforesaid observations, this application under Section 482 CrPC is finally disposed off.

Order Date :- 5.1.2023 Nadim