

Jitendra Kumar Chaurasia vs State Of U.P. And Another on 21 November, 2024

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2024:AHC:181507

Court No. - 79

Case :- APPLICATION U/S 482 No. - 22928 of 2024

Applicant :- Jitendra Kumar Chaurasia

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

Counsel for Applicant :- Neeraj Kumar Srivastava, Sunil Prakash Anand

Counsel for Opposite Party :- G.A.

Hon'ble Arun Kumar Singh Deshwal, J.

1. Heard Ms Anjum Haq, learned counsel holding brief of Sri Neeraj Kumar Srivastava, learned counsel for the applicant and Sri Sandeep Choudhary, learned AGA for the State.
2. The present 482 Cr.P.C. application has been filed to quash the order dated 05.01.2024 passed by learned Additional Sessions Judge, Room No.3, Kanpur Nagar as well as entire proceedings of SST No.1323/2019 (State Vs. Jitendra Kumar Chaurasia and others), under Section-26/59(iii) read with Section 26/52(i) and Section 31(i) of the Food Safety and Standards Act, 2006, Police Station-Akhbarpur, District-Kanpur Dehat.
3. Contention of learned counsel for the applicant is that applicant is the owner of the shop which was let out to the co-accused Sushil Kumar Chaurasia, who was running a shop after taking it on rent from the applicant. In support of her statement, learned counsel for the applicant has also relied upon the rent deed as well as GST registration certificate and request is made that proceeding

may be quashed as no case is made out against the applicant.

4. Per contra, learned AGA has submitted that GST registration certificate itself was prepared on 21.01.2021 which is subsequent to the date of inspection of the premises of the applicant and rent deed itself is not registered and cannot be relied upon at this stage to quash the impugned proceeding.

5. Considering the submission of learned counsel for the parties and on perusal of record, it appears that at the time of inspection of the shop in question on 21.08.2017, applicant was present, though, he has informed the Food Security Officer that entire material lying in the shop belongs to Sushil Kumar Chaurasia. Thereafter, impugned proceeding was initiated and after rejecting the discharge application of the applicant, charges were also framed on 05.01.2024 which is also under challenge before this court.

6. This court finds that all the ground raised by the applicant are his defence and disputed question of fact that can be looked into during the trial and cannot be a ground to quash the impugned proceeding.

7. In view of the above, this court does not find any illegality in the impugned proceeding.

8. Accordingly, the present application is rejected.

Order Date :- 21.11.2024 S.Chaurasia