

Aman Agrawal vs State Of U.P. And Another on 18 May, 2022

Author: Umesh Kumar

Bench: Umesh Kumar

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Court No. - 82

Case :- APPLICATION U/S 482 No. - 2838 of 2022

Applicant :- Aman Agrawal

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

Counsel for Applicant :- Sushil Kumar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Kumar,J.

I have heard learned counsel for the applicant as well as learned AGA and have gone through the material available on record carefully.

Learned counsel for the applicant is permitted to correct the name of parties in the prayer clause during course of the day.

This application under Section 482 Cr.P.C. has been filed for quashing entire proceeding of Complaint Case No. 792 of 2020 (State Vs. Aman Agrawal) under Section 59 of Food Safety and Standards Act, 2006, Police Station- Nanauta, District- Saharanpur well as summoning order dated 17.9.2020. Further prayer to stay the further proceedings of the aforesaid case has also been made.

From the perusal of the material on record and looking into the facts and circumstances of the case, I am of the considered view that prima facie cognizable case is made out against the applicant. All

the submission made at the Bar relates to the disputed question of fact, which cannot be adjudicated upon by this Court under Section 482 CR.P.C. I do not find any substance in the arguments advanced by learned counsel for the applicant.

The impugned order reflects application of judicial mind. No interference is required by this Court. Moreover, the applicant has got a right of discharge through a proper application for the said purpose and he is free to take all the submissions in the said discharge application before the Trial Court.

Needless to state that in the eventuality of filing of any bail/discharge application by the applicant before the trial Court, it is expected from the trial Court to decide the same expeditiously in accordance with law after considering entire aspect of the matter.

It is made clear that this Court has not expressed any opinion on merits of the case and the competent Court is to act in accordance with law.

With the above observation, this application stands disposed of accordingly.

Order Date :- 18.5.2022 S.Verma