

Court No. - 68

Case :- APPLICATION U/S 482 No. - 21903 of 2019

Applicant :- Ramesh Verma

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

Counsel for Applicant :- Kaushal Kishore Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Tripathi,J.

Heard learned counsel for the applicant and learned A.G.A., for the State of U.P.

This application u/s 482 Cr.P.C., has been filed by the applicant with the prayer to quash the summoning order dated 27.10.2016 passed by A.C.M.M.-II, Kanpur Nagar as well as entire proceedings of Complaint Case No. 250 of 2016 (Smt. Mohni Prajapati Vs. Anup Kumar Tandon and others) under Section 420, 406, 323, 504, 506 IPC, Police Station Kalyanpur, District Kanpur Nagar.

Learned counsel for the applicant contended that as per version of complaint, a land was auctioned in favour of opposite party No. 2 (Smt. Mohni Prajapati) and the auction money i.e. Rs. 5, 27,000/- was deposited in the bank. Accordingly, applicant and co-accused are not beneficiary at all. As such, no offence is made out against the applicant.

Alternative remedy under Section 245 (2) Cr.P.C., is available to the applicant to get himself discharge from the court concerned.

Accordingly, the prayer for quashing the summoning order as well as entire proceedings of the aforesaid case is refused.

However, if applicant applies for discharge under Section 245 (2) Cr.P.C., within 30 days from today through counsel, the same shall be decided by the trial court on merit by a speaking order.

Till the disposal of the application under Section 245 (2) Cr.P.C., no coercive measures shall be adopted against the applicant.

Accordingly, this application under Section 482 Cr.P.C., is **disposed of**.

Order Date :- 31.5.2019

Jaswant