

Court No. - 87

Case :- APPLICATION U/S 482 No. - 36651 of 2022

Applicant :- Mohd. Ahmad Khan @ Ahmad Khan And Another

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Shahabuddin, Syed Mohammad Nawaz

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Kumar Singh, J.

1. The present petition under Section 482 Cr.P.C. has been filed with a prayer to quash entire proceedings of Criminal Case No. 39306/2022 (State Vs. Imran Pratapgarhi and others), cognizance order dated 02.07.2022 as well as summoning order dated 10.10.2022 pursuant to charge-sheet dated 02.03.2020, arising out of Case Crime No. 138 of 2019, under Sections 147, 353, 188, 171-H, 143 I.P.C and Section 127 of the Representation of the People Act, 1950, Police Station Galshahid, District Moradabad, pending in the Court of learned ACJM-04, District Moradabad.

2. Sri S.F.A. Naqvi, learned Senior Advocate assisted by Sri Mohammad Nawaz, learned counsel for the petitioners submits that the present case is squarely covered by the judgment of this Court dated 13th December, 2022 passed in Application U/s 482 No. 9190 of 2022 (Harvinder Singh @ Romi Sahni Vs. State of U.P. and Another) and judgment dated 22nd August, 2022 passed in Application U/s 482 No. 3167 of 2022 (Brij Bhushan Sharan Singh Vs. State of U.P. and Another).

3. Sri J.B. Singh, learned A.G.A. does not dispute the said contention of S.F.A. Naqvi, learned Senior Advocate.

4. In view thereof, the present petition is **allowed** and the entire proceedings of Criminal Case No. 39306/2022 (State Vs. Imran Pratapgarhi and others), cognizance order dated 02.07.2022 as well as summoning order dated 10.10.2022 pursuant to charge-sheet dated 02.03.2020, arising out of Case Crime No. 138 of 2019, under Sections 147, 353, 188, 171-H, 143 I.P.C and Section 127 of the Representation of the People Act, 1950, Police Station Galshahid, District Moradabad, pending in the Court of learned ACJM-04, District Moradabad, are hereby quashed.

[Dinesh Kumar Singh, J.]

Order Date :- 24.1.2023/Shafique