



**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

BEFORE

HON'BLE SHRI JUSTICE G. S. AHLUWALIA

ON THE 22nd OF APRIL, 2025

MISC. CRIMINAL CASE No. 14950 of 2024

AJIT SINGH RAJAWAT(KUSHWAH)

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Rajmani Bansal – Advocate for applicant.

Shri Ravindra Dixit – Public Prosecutor for respondent No.1/State.

Shri Prashant Sharma- Advocate for respondent No.2.

ORDER

This application, under Section 482 of Cr.P.C has been filed for quashment of charges framed in ST No. 10/2021 for offences under Sections 376(2)(n), 376(2)(f), 323, 294, 506 Part II, and 507 of IPC and other criminal proceedings.

2. It is not out of place to mention here that earlier applicant had filed M.Cr.C. No. 26960/2021 for quashment of FIR, which was withdrawn by applicant with liberty to raise all possible defences which may be available to him in trial. It appears that charges were framed by order dated 24.02.2021 and



M.Cr.C. No. 26960/2021 was withdrawn on 05.04.2022, i.e. after the charges were already framed.

3. Furthermore, the order framing charge is a revisable order and for the reasons best known to applicant, he did not file revision and has filed present application under Section 482 of Cr.P.C for quashment of charge sheet as well as order framing charge.

Now the only question for consideration is as to whether second application under Section 482 of Cr.P.C is maintainable under the facts and circumstances of the case or not ?

4. As already pointed out, first application was withdrawn on 05.04.2022 and much prior thereto charges were already framed on 24.02.2021. Therefore, it cannot be said that this application has been filed on the basis of any subsequent event. Furthermore, M.Cr.C No. 26960/2021 was withdrawn with liberty to raise all defences which may be available to applicant, at the trial.

5. Under these circumstances, this Court is of considered opinion that in absence of any changed circumstances, this application under Section 482 of Cr.P.C is not maintainable. Furthermore, examination-in-chief of prosecutrix was recorded on 27.02.2023 and her cross-examination was deferred at the request of counsel for applicant. Thus, it is clear that even otherwise, applicant is adopting all sorts of delaying tactics to avoid conclusion of trial.

6. Under these circumstances, it is held that the present application under Section 482 of CrPC is not maintainable and is accordingly, hereby, dismissed.

(G. S. AHLUWALIA)
JUDGE

(and)