

Reserved



2025:AHC-LKO:85967

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

APPLICATION U/s 482 No. - 2209 of 2022

Vartika Singh

.....Applicant(s)

Versus

State of U.P. Thru. Addl. Chief Secy. Home Civil Secrty. Lko and others

.....Opposite Party(s)

Counsel for Applicant(s)	: Rohit Kumar Tripathi, Mahendra Bahadur Singh, Rajesh Kumar, Vikas Singh
Counsel for Opposite Party(s)	: G.A.,

Court No. - 14

HON'BLE RAJEEV SINGH, J.

1. Heard Mr. Mahendra Bahadur Singh and Sri Rohit Kumar Tripathi, learned counsel for the applicant and learned A.G.A. for the State.

2. The present application has been filed with the prayer to quash the entire proceedings of Criminal Case No.8928 of 2021 arising out of Case Crime No.402 of 2020, under Sections 419, 420, 467, 468, 471, 120-B, 509, 34 I.P.C. and Section 66/67C I.T. Act, Police Station - Musafirkhana, District - Amethi.

3. Learned counsel for the applicant has submitted that applicant is an international shooter, President awardee and working for welfare of students. He further submitted that applicant worked for schemes which are as under :-

(i) Ek Bharat Shresth Bharat.

(ii) Ujjawala Vikas Yojana.

(iii) Kausal Vikas Yojana.

(iv) In the program of Aparajita organized by the State of U.P.

(v) Invited as Guest of Honour in ABVP by Lucknow University.

(vi) Invited by the Sanskar Dham College, Gujarat where she has given free training of shooting to girls.

(vii) Under the reference of Chief Minister of U.P., the applicant has given free of cost training of shooting to girls of Kasturba Gandhi Balika Vidhyalaya, Gorakhpur.

(viii) Invited as Guest of Honor in the program of R.S.S. two times.

(ix) Worked as a coach in 'The Doon School' from Dehradun, etc.

4. Learned counsel for the applicant submits that one Rajneesh Singh was following the applicant on social media and he called through mobile nos.9451110102 & 9651070000 on 12.4.2020 at 01:41 P.M. by introducing him as an active leader of Bhartiya

Janta Party and closed one to the then cabinet minister and also disclosed that he works with personal secretary of the Hon'ble Minister, Govt. of India and identified himself as Advisor in the Department of Central Food Corporation by providing certain documentary evidences and offered her for nomination as a Member of National Women Commission, New Delhi. He further submitted that Rajneesh Singh also sent some documents on her Whatsapp related to the favourable recommendation of the Hon'ble Minister, thereafter, Rajneesh Singh asked to the applicant for sending her educational and sports certificates, as a result, documents were provided by father of the applicant to Rajneesh Singh on 8.6.2022. Rajneesh Singh also sent air tickets and a letter to the applicant on her Whatsapp showing the recommendation of the applicant as a Member of National Women Commission, New Delhi and informed that it was duly signed by the then Hon'ble Cabinet Minister addressed to the Hon'ble Prime Minister and their conversation were also recorded by the applicant, the aforesaid document is annexed as Annexure No.10 to the application.

On 30.6.2020, Dr. Rajneesh Singh informed her on phone regarding second letter dated 22.6.2020 issued from the P.M.O. by Mr. M.C. Jauhari, I.A.S., the screen shot of alleged letter dated 22.6.2020 was also forwarded which is also annexed as Annexure No.11.

Thereafter, Rajnessh Singh informed the applicant in relation to some discreet enquiry by L.I.U. and she received a call from mobile No.9554481459 in relation to enquiry and also called for meeting in front of Nagar Nigam Office, Lucknow, then applicant met him and handed over desired document duly signed by her and took the photo of that person, who introduced himself as Satish. Applicant also enquired about aforesaid from S.P., Pratapgarh, then she was informed that no such letter was ever received through post but the official of S.P. office said that it might be received online. The applicant enquired about the genuineness of alleged letter issued from the Office of P.M.O. sent by Dr. Rajneesh Singh on her Whatsapp, then she was informed by Mr. Vijay Gupta, Private Secretary to the Minister that no such inquiry is conducted at personal level.

On 7.9.2020, Rajnish Singh has sent another air ticket on the applicant's whatsapp by making a call and informed that he is checking the applicant's file with the Hon'ble Minister and everything is completed and process for appointment is going on, the conversation as well as copy of air ticket, which was sent through Whatsapp to the applicant is enclosed as Annexure No.13.

On 7.11.2020, Rajneesh Singh informed to the applicant on whatsapp call that applicant's appointment will be done only, if

she pays Rs.25,00,000/-, screen shot of the aforesaid call is enclosed as Annexure No.14 to the application.

In order to confirm the aforesaid demand, Dr. Rajneesh Singh has sent third unsigned letter of Government of India regarding appointment of the applicant as a Member of National Women Commission, New Delhi. Since, the applicant had refused to give any bribe, then it was informed that letter could not be signed, then applicant tried to meet Hon'ble Minister, Mrs. Smriti Jubin Irani at her residence on 16.11.2020 & 18.11.2020 but she was allowed to meet on 20.11.2020 and she provided photo copies of all the aforesaid three letters sent by Rejneesh Singh but no positive response was given by her, then she went to P.M.O. and explained her grievance to official by providing copy of aforesaid three letters. Thereafter, applicant requested tweeter for taking necessary action against the private secretary of Hon'ble Minister Mrs. Smriti Jubin Irani, then following F.I.R.'s were lodged against the applicant:-

(i) N.C.R. No.0009/20 under Section 506 I.P.C., Police Station - Tughlak Road, New Delhi.

(ii) F.I.R. No.174 of 2020 under Sections 468, 471, 429, 511 I.P.C., Police Station Parliament Street, New Delhi on 20.11.2020 by Sri V.C. Chaudhari, Under Secretary, General (Admin).

(iii) F.I.R. No.402 of 2020 under Section 509 I.P.C. & Section 66/67 (C) I.T. Act 2008, which was registered on 23.11.2020.

(iv) F.I.R. No.0350 of 2020 was lodged by Kalika Prasad Mishra under Section 67 I.T. Act, Police Station Munsiganj, District Amethi with the help of Vijay Gupta only to harass the applicant.

5. Learned counsel for the applicant has also submitted that F.I.R. of the case in question was lodged on the basis of concocted facts with the allegation that the applicant by preparing forged documents made allegation against the complainant with the intention to damage his image. He further submitted that during the course of investigation, statement of the applicant was recorded but the contents were not investigated by the police as per the provisions of Section 107 of Police Regulation Act, which is obligatory on the part of the Investigating Officer to conduct the investigation examining all the evidence and material given or informed by the accused. He also submitted that charge sheet was filed by the Investigating Officer against the applicant without any evidence that these letters were prepared by the applicant.

Learned counsel for the applicant also relied on the decisions of Hon'ble Supreme Court in the case of **Sheila Sebastain & Anr. Vs. R. Jawaharaj & Anr.** reported in 2018 (7) SCC 581 & **Tuhin Kumar Biswas @ Bumba Vs. State of West Bengal** reported in 2025 SCC Online SC 2604 and submitted that there is

no evidence that alleged document was prepared by the applicant, therefore, no offence is made out against the applicant. He further submitted that applicant herself is defamed and victimized by Rajneesh Singh and as there is no evidence against the applicant but the charge sheet was submitted by the Investigating Officer in the most mechanical manner, therefore, the impugned proceeding is malicious one and is liable to be quashed in relation to the applicant.

The relevant para no.28 of the decision of Hon'ble Supreme Court in the case of **Tuhin Kumar Biswas @ Bumba (supra)** reads as under :-

"28. Before parting with this case, this Court would like to emphasise that where there is a pending civil dispute between the parties, the Police and the Criminal Courts must be circumspect in filing a chargesheet and framing charges respectively. In a society governed by rule of law, the decision to file a chargesheet should be based on the Investigating Officer's determination of whether the evidence collected provides a reasonable prospect of conviction. The Police at the stage of filing of Chargesheet and the Criminal Court at the stage of framing of Charge must act as initial filters ensuring that only cases with a strong suspicion should proceed to the formal trial stage to maintain the efficiency and integrity of the judicial system. The tendency of filing chargesheets in matters where no strong suspicion is made out clogs the judicial system. It forces Judges, court staff, and prosecutors to spend time on trials that are likely to result in an acquittal. This diverts limited judicial resources from handling stronger, more serious

cases, contributing to massive case backlogs. Undoubtedly, there can be no analysis at the charge framing stage as to whether the case would end in conviction or acquittal, but the fundamental principle is that the State should not prosecute citizens without a reasonable prospect of conviction, as it compromises the right to a fair process."

6. Learned A.G.A. vehemently opposes the prayer of the applicant and submits that all these facts can be raised before the learned court below at appropriate stage as charge sheet has already been filed.

7. Considering the submissions of learned counsel for the parties, going through the contents of the application, other relevant documents as well as case diary provided by the learned A.G.A., it is evident from the record that since April, 2020 one Rajneesh Singh was claiming himself as an active leader and close to the then cabinet minister started alluring the applicant for nominating her as a Member of National Women Commission, New Delhi and thereafter, money was also demanded from her on 7.11.2020, then complaint was made by the applicant providing the copies of letters those were forwarded by Rajneesh Singh on her Whatsapp but in place of examining the complaint of applicant the charge sheet was submitted by the Investigating Officer with the allegation that forged documents were prepared by the applicant but no letter was sent to F.S.L. for examination that whether these letters were prepared by the applicant or not, in such

circumstances, there is no evidence against the applicant for making forged letters. As it is held by the Hon'ble Supreme Court in the case of Sheila Sebastian (supra) that in case, there is no evidence that documents were prepared by the accused, then no offence of forgery is made out. There is no evidence of cheating against the applicant in the entire material available before this Court and documents those were forwarded to the applicant were provided to the officials as well as other dignitaries for the inquiry. The closure report was also filed by the Investigating Officer in relation to Kamal Kishore (Commando), therefore, this Court is of the view that, no alleged offence is made out against the applicant, accordingly, impugned proceeding is liable to be set aside.

8. In view of the above, the present application is **allowed** and the entire proceedings of Criminal Case No.8928 of 2021 arising out of Case Crime No.402 of 2020, under Sections 419, 420, 467, 468, 471, 120-B, 509, 34 I.P.C. and Section 66/67C I.T. Act, Police Station - Musafirkhana, District - Amethi are hereby, set aside in relation to the applicant.

(Rajeev Singh,J.)

December 19, 2025

Gaurav