

Court No. - 92

Case :- APPLICATION U/S 482 No. - 22049 of 2023

Applicant :- Sanjay And 3 Others

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

Counsel for Applicant :- Ajay Kumar Dwivedi

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta,J.

1. Heard Sri Ajay Kumar Dwivedi, learned counsel for the applicants and Sri Anish Kumar Upadhyay, learned AGA for the State.

2. The instant application under Section 482 Cr.P.C. has been filed seeking quashing of the charge sheet dated 24.02.2023 and cognizance/summoning order dated 29.03.2023 as well as the entire criminal proceeding of Case Crime No. 52 of 2022, under Sections 498-A, 323, 324, 506 IPC and 3/4 Dowry Prohibition Act, P.S. Mahila Thana, District Firozabad, pending before the Additional Civil Judge (Junior Division), Firozabad.

3. Learned counsel for the applicants submits that the instant FIR has been lodged by the opposite party no.2 on false and frivolous facts and concocted story making general allegations against all the all the persons named in the FIR. However, during the investigation, the investigating agency found the applicant no.2 being responsible for the assault by the edged weapon upon the mother and father of the opposite party no.2. Learned counsel for the applicants further submits that against the applicant nos. 3 and 4, who are the mother-in-law and father-in-law, there no specific allegations in the instant application, therefore, he has prayed for quashing of the entire proceeding against them.

4. per contra, learned AGA for the State submits that in the FIR itself, the categorical allegations have been made by the opposite party no.2 that all the applicants have assaulted the family members of the opposite party no.2 and also tried to kill the opposite party no.2. After completion of investigation, it was categorically found that the applicant no. 2 is responsible for assault on the head of the mother of the opposite party no.2.

Therefore, the offence under Section 323 IPC was added in the charge sheet and the charge sheet was filed against all the applicants. Learned counsel for the applicants further submits that there are allegations on demand of dowry, in which the husband, mother-in-law and father-in-law are the beneficiaries of the same. Therefore, there is no ground for interference by this Court in the instant case and the assault along with injury in the instant case have been indicated in the charge sheet.

5. Having heard the rival submissions made by learned counsel for the parties, this Court has carefully perused the record of the case. From perusal of the FIR as well as the charge sheet, it is apparent that specific allegations have been made by the opposite party no.2 against all the applicants and during investigation, the investigating agency has found specific role of all the applicants, therefore, exonerating the other accused persons, the charge sheet has been filed against them. There is a categorical finding with regard to the assault and injury on the head of the mother of the opposite party no.2. Accordingly, the offence under Section 324 IPC was enhanced and since the husband and the applicants no. 3 and 4, the father-in-law and mother-in-law are the direct beneficiaries of any demand of dowry, which could have been meted out due to torture of the opposite party no.2 and her family members and the applicant no.2 has been found responsible for the incised wound on the head of the mother of the opposite party no.2.

6. In such circumstances of the case, this Court does not find any merit in the instant case. Accordingly, the instant application is devoid of merit and is hereby **dismissed**.

Order Date :- 15.12.2023

Ashish Pd.