

Court No. - 92

Case :- APPLICATION U/S 482 No. - 29726 of 2007

Applicant :- Umesh Chand And Others

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

Counsel for Applicant :- Mirza Ali Zulfaquar

Counsel for Opposite Party :- Govt. Advocate, Ravindra
Prakash Srivastava

Hon'ble Anish Kumar Gupta, J.

1. Heard Sri Mirza Ali Zulfaquar, learned counsel for the applicants and Sri Kamlesh Kumar Tripathi, learned A.G.A. for the State.

2. The instant application under Section 482 Cr.P.C. has been filed seeking quashing of the charge-sheet of Case No. 751 of 2005 (State of U.P. vs. Umesh Chand and Others), arising out of Case Crime No. 863 of 2004 u/S 323, 504, 506 I.P.C., P.S.-Kotwali Khalilabad, District- Sant Kabir Nagar, pending in the court of learned Chief Judicial Magistrate, Basti.

3. Learned counsel for the applicants submits that for an incident dated 26.09.2004, the applicant no.2 herein had lodged an N.C.R. on 26.09.2004 itself. In that incident, the applicant nos. 2 and 3 were the injured persons. On such N.C.R., which was filed by the applicants, the matter was investigated after a direction u/S 155(2) Cr.P.C., and the charge-sheet was filed. However, for the same incident the opposite party no.2 has filed the instant F.I.R. As per the instant F.I.R, since the police personnel were also involved in the incident alongwith the applicants herein, her report was not registered by the Police Officers, therefore, she had to approach to the Minister, at that time and as per direction of the Minister, the instant F.I.R. was registered by the Police against the applicants herein, with regard to the same incident dated 26.09.2004.

4. Therefore, in the considered opinion of this Court, since the applicants and the opposite party no.2 have lodged the F.I.R. against each other, with regard to the same incident, therefore, it cannot be said that no incident has ever taken place. So far as the veracity of the allegation is concerned, it cannot be decided, at this stage, while exercising jurisdiction u/S 482 Cr.P.C., therefore, this Court do not find any good ground to interfere in the instant case.

5. Therefore, the instant application is hereby ***dismissed***.

Order Date :- 15.12.2023

Shubham Arya