

Court No. - 93

Case :- APPLICATION U/S 482 No. - 30916 of 2023

Applicant :- Maan Singh

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Surendra Kumar Yadav, Abhay Raj

Counsel for Opposite Party :- G.A.

Hon'ble Arun Kumar Singh Deshwal, J.

1. Heard Sri Abhay Raj, learned counsel for the applicant and Sri Rajeev Kumar Singh, learned AGA for the State.
2. The present 482 Cr.P.C. application has been filed to quash the order dated 15.12.2022 passed by the court of Chief Judicial Magistrate, Mainpuri in Final Report Case No.425 of 2022 (Man Singh Vs Smt. Radha and others), arising out of Case Crime No.441 of 2022, under Sections-323, 307, 452, 506 IPC, Police Station-Kotwali, District-Mainpuri, pending in the court of Chief Judicial Magistrate, Mainpuri.
3. Contention of learned counsel for the applicant is that the applicant has lodged an FIR against opposite party nos.2 to 4, u/s 323, 307, 452, 506 IPC in case crime no.441 of 2022. Police after investigation had submitted final report on 08.09.2022 against which the applicant has filed the protest petition that was allowed and opposite party nos.2 to 4 were summoned u/s 323, 452, 504, 506 IPC, under Section-190(1)(b) Cr.P.C. Learned counsel for the applicant further submits that though case u/s-307 IPC is made out, the court below while passing the order dated 15.12.2022 summoned the private opposite parties only u/s-323 IPC, along with other sections.
4. This court is of the view that such contention of the learned counsel for the applicant cannot be considered at this stage. Applicant has a remedy to raise such contention at the time of framing of charges.
5. In view of the above, present application is **rejected**.

Order Date :- 16.10.2023

S.Chaurasia