

Court No. - 92

Case :- APPLICATION U/S 482 No. - 29992 of 2023

Applicant :- Dev Murti Tiwari

Opposite Party :- State Of U.P. And 15 Others

Counsel for Applicant :- Shiva Kant Dubey

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta,J.

1. Heard Sri Shiva Kant Dubey, learned counsel for the applicant and Sri Kamlesh Kumar Tripathi, learned A.G.A. for the State.

2. The instant application u/S 482 has been filed seeking setting-aside the order dated 17.07.2023, passed by the Additional Civil Judge (Jr. Division)/Judicial Magistrate- 23, Allahabad, in Application No. 39/XII/23 u/S 156 (3) Cr.P.C. (Dev Murti Tiwari vs. Shyam Narayan Mishra & Others), P.S. Karchhana, District- Allahabad, whereby the application of the applicants herein u/S 156(3) Cr.P.C., has been converted as the complaint case.

3. From the perusal of the OPD Slips of the applicant herein and the allegations made in the Application u/S 156(3), in the considered opinion of this Court, no investigation is required to be conducted by the police, therefore, the initial burden to prove the allegation is on the applicant herein to set the criminal law in motion, therefore, there is no illegality in the impugned order dated 17.07.2023.

4. Therefore, the instant application lacks merit and is hereby **dismissed**.

Order Date :- 13.10.2023

Shubham Arya