

Court No. - 92

Case :- APPLICATION U/S 482 No. - 30213 of 2023

Applicant :- Deepak @ Praveen Yadav And 6 Others

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

Counsel for Applicant :- Vikram Bahadur
Singh, Ashish Jaiswal

Counsel for Opposite Party :- G.A., M.Z. Hoda

Hon'ble Anish Kumar Gupta, J.

1. Heard Shri Ashish Jaiswal, learned counsel for the applicants, Shri M.Z. Hoda, learned counsel for the opposite party and Shri Kamlesh Kumar Tripathi, learned AGA for the State.

2. The instant application has been filed seeking quashing the charge sheet dated 12.06.2023 as well as entire proceeding of Case arising out of Case Crime No. 87 of 2023, under section 147, 323, 504, 506, 308 IPC, Police Station Dildar Nagar, District Ghazipur pending before Judicial Magistrate Court No. 3, District Ghazipur.

3. Learned counsel for the applicants submits that in the instant case an FIR has been lodged by the opposite party no. 2 against the applicants whereas the opposite parties were aggressor and assaulted the applicants and the applicants also filed an application under Section 156(3) of Cr.P.C. which has been converted into a complaint case vide order dated 25.07.2023. Learned counsel for the applicants further submits that opposite party no. 2 had lodged the instant case since they were the aggressor and has assaulted the applicants. The instant first information report has been lodged by them for creating a defence to the said case filed by the applicants against the opposite party.

4. However from the perusal of the first information report in the instant case which was lodged by opposite party no. 2 and the application u/s 156(3)

Cr.P.C. which was filed on behalf of applicant immediately after the instant FIR, it appears that the same was filed as a counter blast to the instant first information report lodged by the opposite party no. 2, therefore, in the instant case the learned Magistrate has taken cognizance after considering the material available on record before him in the charge sheet as well as statement u/s 161 Cr.P.C. and the injury report.

5. In view of the above, this Court does not find any illegality in the charge sheet as well as impugned order dated 13.07.2023 taken cognizance against the applicants therein, hence the instant application is devoid of merits and is accordingly **dismissed**.

Order Date :- 13.10.2023

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