

Court No. - 89

Case :- APPLICATION U/S 482 No. - 30565 of 2023

Applicant :- Sohanlal And 3 Others

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

Counsel for Applicant :- Akash Tomar

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

1. Heard learned counsel for the applicants and learned A.G.A. for the State.

2. This application under Section 482 Cr.P.C. has been filed by the applicants to quash the charge-sheet dated 19.08.1984, under Sections 302, 328 and 201 IPC against the applicants as well as order dated 28.04.2023 through which the learned Magistrate took cognizance and summoned the applicants as well as order dated 28.07.2023 by which learned Magistrate issued proclamation proceeding under Section 82 Cr.P.C. against the applicants, along with the entire proceedings of Criminal Case No. 7583 of 1992 (State vs. Vidya Sagar and Others) arising out of Case Crime No. 183 of 1984, under Sections 302, 328, 201 IPC, Police Station- Mawana, District- Meerut.

3. On perusal of record, it is apparent that applicant earlier approached this Court challenging the proceedings relating to proceedings challenged herein and this Court vide its order dated 15.11.1984 passed the following order:-

"Admit.

Issue notice.

The Criminal Case No. 4440 of 1984 (State vs. Vidya Sagar and others), pending in the Court of Chief Judicial Magistrate, Meerut, shall not be committed to the court of Sessions meanwhile."

4. Counsel for the applicants submits that aforesaid Criminal Misc. Application No. 9647 of 1984 (State vs. Vidya Sagar and others) is still pending. He further submits that record of the aforesaid case is not traceable.

5. Per contra, learned A.G.A. has vehemently opposed the

submission raised by applicants' counsel.

6. Considering the argument raised by applicants' counsel, since, this is second 482 application for the same set of facts and the first 482 application is already pending before this Court, as such, there is no occasion exist to entertain this second 482 application. However, if applicants are aggrieved by any order passed by the court below, he can approach this Court in pending Criminal Misc. Application No. 9647 of 1984.

7. The present 482 application is, accordingly, dismissed.

Order Date :- 16.10.2023

Aditya