

Court No. - 89

Case :- APPLICATION U/S 482 No. - 31151 of 2023

Applicant :- S.S.O. Ramveer

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

Counsel for Applicant :- Rajesh Tewari, Chandan Kumar Chaturvedi

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma, J.

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

2. This application under Section 482 Cr.P.C. has been filed by the applicant to quash the impugned charge sheet no. 25 of 2021, dated 28.02.2021, Cognizance order dated 30.10.2021 in Criminal Case No. 635 of 2021, arising out of Case Crime No. 151 of 2020, under Sections 308, 326 IPC, Police Station- Iradat Nagar, District- Agra pending in the Court of Additional Chief Judicial Magistrate-IV, District- Agra.

3. Counsel for the applicant submits that instant case is a malicious prosecution as there is no evidence to prosecute the applicant in the present case. He next submits that all the allegations leveled against the applicant are false and baseless and not tenable in the eye of law. He further submitted that statements of witnesses recorded during investigation are also not supporting the prosecution case.

4. Per contra, learned AGA opposes the submissions made by counsel for the applicant and submits that submissions raised by counsel for the applicant are disputed question of facts, which cannot be examined at this stage.

5. Considered the arguments raised by learned counsel for the applicant and perused the entire records. Submissions raised by learned by learned counsel for the applicant are disputed question of facts and sitting under 482 Cr.P.C. jurisdiction, this Court has no power to examine the facts.

6. In view of the above, in the light of judgment of the Apex Court in the matters of **R.P. Kapur Vs. State of Punjab, A.I.R. 1960**

S.C. 866, State of Haryana Vs. Bhajan Lal, 1992 SCC (Cr.) 426, State of Bihar Vs. P.P.Sharma, 1992 SCC (Cr.) 192 and lastly Zandu Pharmaceutical Works Ltd. Vs. Mohd. Saraful Haq and another (Para-10) 2005 SCC (Cr.) 283, no ground for quashing the proceedings of the aforesaid case, is made out which may call for any interference by this Court in exercise of its inherent power under Section 482 Cr.P.C. as the same do not suffer from any illegality or infirmity.

7. The present application under Section 482 Cr.P.C. lacks merit and is, accordingly, **dismissed**.

Order Date :- 16.10.2023

Aditya