

Court No. - 92

Case :- APPLICATION U/S 482 No. - 32722 of 2023

Applicant :- Raj Kumar Yadav

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

Counsel for Applicant :- Krishna Kant Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta,J.

1. Heard Sri Krishna Kant Shukla, learned counsel for the applicant and Sri Uma Dutt Shukla, learned A.G.A. for the State.
2. The instant application has been filed seeking quashing of the charge-sheet dated 12-06-2018 as well as cognizance and summoning order dated 05-01-2019 and entire proceedings of Case No. 53 of 2019 (State Vs. Minna Singh and others) arising out of case crime no.115 of 2018, under Sections 504, 506, 353 IPC and Section 5/26, 41/42 of Indian Forest Act and 2/4 of Prevention of Damages to Public Property Act, P.S. Vindhyachal, district Mirzapur, pending in the court of Chief Judicial Magistrate, Mirzapur.
3. Learned counsel for the applicant submits that the prosecution ought to have filed the complaint case under the provisions of Section 4/21 of the U.P. Mines and Minerals Act for the offences alleged against the applicant. However, despite repeated asking by the Court, learned counsel for the applicant has failed to submit any ground to show that the offences as alleged in the instant F.I.R. are not made out from the allegations made in the F.I.R., therefore, there is no ground for interference in the charge-sheet as well as order of cognizance and summoning order dated 05-01-2019 passed by the learned Chief Judicial Magistrate, Mirzapur. The instant application is devoid of merits and is hereby **dismissed**.

Order Date :- 8.11.2023

pks