

Court No. - 88

Case :- APPLICATION U/S 482 No. - 32474 of 2023

Applicant :- Manoj Kumar Yadav And 4 Others

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

Counsel for Applicant :- Pavan Kishore

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh,J.

Heard learned counsel for the applicants and learned A.G.A. for the State of U.P.

On 27.04.2023, this Court has passed following order:-

"In the instant case opposite party no.2 moved an application under Section 156(3) Cr.P.C. dated 06.06.2022 seeking direction to lodge F.I.R. against the applicants but said application was treated as complaint by learned Chief Judicial Magistrate, Gautam Buddha Nagar vide order dated 07.09.2022. Aggrieved by said order the complainant/opposite party no.2 has preferred Criminal Revision No. 425 of 2022, which was allowed vide order dated 21.08.2023 setting aside the order dated 07.09.2022 of learned Chief Judicial Magistrate with the direction that F.I.R. may be registered against opposite party nos. 2 to 6 (applicants of this case) with further direction that let the file be remanded back to the learned Chief Judicial Magistrate-IV to comply with in the light of observation made in the order dated 21.08.2023.

Learned counsel for the applicants submits that revisional Court cannot direct to lodge F.I.R. which is domain of the Magistrate concerned.

On the other hand learned A.G.A. submits that in fact, the revisional Court vide order dated 21.08.2023 remanded the matter to the court of learned C.J.M. to pass appropriate order in the light of order dated 21.08.2023, but he is not aware, as to whether any further order has been passed by the learned Magistrate concerned or not.

Let a report be called for from learned Chief Judicial Magistrate, Gautam Buddha Nagar about the compliance of order dated 21.08.2023.

Put up this case as fresh on 19.10.2023."

Today on the matter being taken up, learned counsel

for the applicants submits that pursuant to order dated 21.08.2023, a first information report has been registered on 07.10.2023, therefore, the cause of this application has lost its efficacy, hence, the same may be dismissed as not pressed.

Learned A.G.A. has no objection to such prayer of the applicant.

In view of the statement made by learned counsel for the applicant at the Bar, the instant application is dismissed as having become infructuous.

Order Date :- 19.10.2023

Saurabh