

Court No. - 88

Case :- APPLICATION U/S 482 No. - 32631 of 2023

Applicant :- Smt. Punam

Opposite Party :- State Of U.P. And 4 Others

Counsel for Applicant :- Ravitendra Pratap Singh Chandel, Rati Bhan Singh

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh, J.

Heard learned counsel for the applicant and learned Additional Government Advocate for the State of U.P/opposite party no. 1.

The instant application under Section 482 Cr.P.C. has been preferred by the applicant with a prayer to quash the order dated 06.10.2022 passed by learned Special Chief Judicial Magistrate, Agra in Misc. Application No. 45076 of 2022, whereby the application under Section 156(3) Cr.P.C. of the applicant was rejected and order dated 13.04.2023 of Additional Sessions Judge, Court No. 19, Agra passed in Criminal Revision No. 796 of 2022 whereby the revision preferred by the applicant has been rejected.

The main substratum of argument of learned counsel for the applicant is that on 23.05.2022 opposite party nos. 2 to 5, on account of ill-will with the applicant, set his house on fire whereby several valuable ornaments and articles kept in the house of the applicant were burnt to ashes. It is next submitted that both the courts below committed legal error in rejecting the aforesaid application of the applicant.

On the other hand, learned A.G.A. refuting the said submissions, pointed out that before passing the impugned order dated 06.10.2022, report from the concerned police station was called for, in which police has submitted the report otherwise mentioning that the fire in the house started due to short circuit. It is also submitted that the application under Section 156(3) Cr.P.C. of the applicant was also

not supported with an affidavit which is mandatory in view of judgment of the Apex Court in the case of Priyanka Srivastava vs. State of U.P., (2015) 6 SCC 287.

Having heard the submissions of learned counsel for the parties, I find that the application under Section 156(3) Cr.P.C. of the applicant was rejected considering the police report, which has not been brought on record by the applicant. I also find that in paragraph no. 13 of the order dated 13.04.2023, it has specifically been observed by the revisional court that even no photographs with regard to said incident has been filed and application was also not supported with an affidavit, duly sworn by the applicant who seeks invocation of jurisdiction of the Magistrate.

The observations made in the impugned orders are not liable to be interfered.

The application lacks merit, and is accordingly, ***dismissed.***

Order Date :- 9.11.2023

Saurabh