

Court No. - 91

Case :- APPLICATION U/S 482 No. - 33804 of 2023

Applicant :- Umesh Kumar

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Suvash Ram

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar,J.

1. Heard learned counsel for the applicant and learned AGA for the State.
2. The present application u/s 482 Cr.P.C. has been filed by the applicant with the prayer to quash the order dated 18.07.2023 as well as the entire proceeding of Criminal Case No.76 of 2018, arising out of Case Crime No.37 of 2018, under Sections 323, 504, 506, 166-B IPC and Section 3(1)(dha) of SC/ST Act, Police Station Zamaniya, District Ghazipur.
3. Learned counsel for the applicant submits that an F.I.R. was lodged bearing Case Crime No.34 of 2018, under Sections 323, 504, 506, 166-B IPC and Section 3(1)(dha) of SC/ST Act against the three accused persons by the applicant. Further submission is that the Investigating Officer in a perfunctory manner submitted charge sheet against which, the protest petition was filed, which has been mechanically dismissed by the Special Judge SC/ST Act, Ghazipur vide order dated 18.07.2023. The main submission of learned counsel for the applicant is that the impugned order is illegal and is not sustainable in view of law.
4. On the other hand, learned AGA has opposed the prayer and submitted that there is not incident occurred as narrated by the applicant in the F.I.R., as per the statement recorded by the Investigating Officer of the witnesses conversant with the fact of

the case and other evidence and resultantly, final report was submitted, against which the protest petition was filed, in which the Special Judge SC/ST Act after considering all the aspects of the case found that no cognizable offence is made out in view of the facts and circumstances of the case, dismissed the protest petition accordingly.

5. Keeping in view the submission and contention made by the learned counsel for the parties and from the perusal of the order, it is apparent that there is no illegality has been committed by the court concerned. No good ground is made out for interfering with the aforesaid impugned order while invoking the inherent jurisdiction under Section 482 Cr.P.C.. Hence, the prayer made in the application is refused

6. With the aforesaid observations, the instant application u/s 482 Cr.P.C. is **dismissed**.

Order Date :- 1.11.2023
Sanjeet