

Court No. - 89

Case :- APPLICATION U/S 482 No. - 34047 of 2023

Applicant :- Dr. Vaishno Dutt Sharma

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

Counsel for Applicant :- Vinod Kumar Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

1. Heard learned counsel for the applicant and learned AGA for the State.
2. The present 482 Cr.P.C. application has been filed to quash the impugned order dated 17.12.2021 passed by Additional Civil Judge (Senior Division), Court No.2/Additional Chief Judicial Magistrate, Rampur in Criminal Misc.Application No.190 of 2021 (Dr.Vaishno Dutt vs. Dr.Suman Tomar and others) and order dated 21.11.2022 passed by Additional Session Judge, court No.2 Rampur, in Criminal Revision No.14 of 2022.
3. Learned counsel for the applicant has challenged the order dated 17.12.2021 and 21.11.2022 passed by Additional Session Judge in Criminal Revision No.14 of 2022. Learned counsel for the applicant submits that learned trial court as well as revisional court without application of mind has rejected the application of the applicant. Trial court has treated the application under section 156(3) Cr.P.C. as complaint and revisional court without considering the material facts rejected the revision of the applicant.
4. Learned A.G.A. has vehemently opposed the contention raised by learned counsel for the applicant.
5. Considered the arguments raised by learned counsel for the applicant and perused the entire records. Trial court has passed the order after considering the Apex Court judgment in **Sukhvasi vs. State of U.P.; 2007(59) ACC 743, Ram Babu Gupta and others vs. State of U.P. & others; 2001 Criminal Law Journal 557**. Order passed by trial court is just and proper.
6. No interference is warranted. The present application under Section 482 Cr.P.C. lacks merit and is, accordingly, **dismissed**.

Order Date :- 16.11.2023

SKD