

Court No. - 93

Case :- APPLICATION U/S 482 No. - 35552 of 2023

Applicant :- Chaub Singh @ Ramu

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

Counsel for Applicant :- Sanjay Srivastava

Counsel for Opposite Party :- G.A.,Ashish Goyal

Hon'ble Manoj Bajaj,J.

Chaub Singh @ Ramu-Applicant has filed this application under Section 482 Code of Criminal Procedure seeking quashing of the order dated 21.2.2023 passed by chief Judicial Magistrate, Bulandshahr and for issuance of directions to the Magistrate to ensure free and fair investigation by Investigating Officer in Case Crime No. 68 of 2022, under Section 304 I.P.C., Police Station Chhatari, District Bulandshahr.

Learned counsel for applicant submits that in respect of the homicidal death of his son, he lodged the subject F.I.R. and alleged involvement of private respondent nos.2 to 4 in the crime, but after investigation, through the final report, the said accused persons were declared innocent. He submits that the police is not investigating the case properly and this is resulting in miscarriage of justice to the complainant. He submits that in this case, the necessary directions be issued to the Magistrate for ensuring free and fair investigation.

During the course of hearing, it is not disputed by learned counsel for applicant that after submission of final report under Section 173(2) Cr.P.C., the

applicant-complainant raised his grievances / objections before the Magistrate and the said final report was not accepted. He fairly states that Magistrate vide order dated 18.11.2022 directed further investigation in the case, which is still in-progress.

At this stage, Sri Ashish Goyal, learned counsel for opposite party nos. 2 to 4 has drawn the attention of the Court to the order dated 12.1.2023 passed by this Court in Criminal Misc. Writ Petition No. 19882 of 2022 to contend that previously the complainant had made a similar prayer and this Court had relegated him to avail the remedy before the Magistrate. Similar is the stand of the learned A.G.A., who states that further investigation is going on.

Upon hearing the learned counsel for the parties and considering the above background, this Court finds that the complainant has already raised his grievance in respect of the investigation before the Magistrate and the same is being looked into, therefore, at this stage, this Court is not inclined to invoke the inherent powers under Section 482 Cr.P.C.

Resultantly, the application fails and is dismissed.

Order Date :- 23.11.2023
P.S.Parihar