

Court No. - 91

Case :- APPLICATION U/S 482 No. - 35430 of 2023

Applicant :- Vijay Kumar Pal

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

Counsel for Applicant :- Shrey Singh, Amit Singh

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State- opposite party and perused the record.
2. This application under Section 482 Cr.P.C. has been filed by the applicant with the prayer to quash the charge sheet dated 16.11.2022 and summoning order dated 02.05.2023 as well as entire proceedings of Case No. 1899 of 2023, (State v. Vijay Pal) arising out of Case Crime No. 0245 of 2022, under Sections 279, 338 I.P.C., Police Station Karvi Kotwali Nagar, District Chitrakoot, pending in the court of Chief Judicial Magistrate, Chitrakoot and further prayer to stay the further proceedings of the aforesaid case has been made.
3. It is submitted by learned counsel for the applicant that the applicant is not named in the FIR. Later on, during investigation the owner of the vehicle intimated to the Investigating Officer regarding the involvement of the applicant as a driver of the vehicle which was used at the time of the accident and thus, came up the name of the applicant. It is further submitted that medical evidence is not supporting the case of prosecution as the medical evidence is concocted. Contention is that the entire criminal proceedings has been maliciously launched against the applicant. It is also submitted that summons has been issued on printed proforma. It is further submitted that there is no compliance of

Motor Accident Rules of 203(A) U.P. Motor Vehicles Rules 1998 has been made by the trial court while passing the summoning order. Contention is that the proceedings initiated against the applicant is nothing but abuse of process of court.

4. Learned A.G.A. opposed the prayer and contended that on the basis of material/ evidence collected by the I.O. during investigation, it does not appear that no offence is made out against the applicant.

5. In view of above, from the material on record, as well as allegations made in the F.I.R. and the material/ evidence collected by the I.O. during investigation, it cannot be said that no offence is made out against the applicant. In any view of the matter, from the perusal of the record and the impugned proceedings, it is found that there is no such glaring abuse of court's process which may justify to invoke its inherent jurisdiction provided under section 482 Cr.P.C. to interference in the same. In view of above, the prayer for quashing the impugned order as well as proceedings of the aforementioned case is refused.

7. The present application under Section 482 is devoid of merit and is accordingly **dismissed**.

Order Date :- 19.10.2023

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