

Court No. - 93

Case :- APPLICATION U/S 482 No. - 37968 of 2023

Applicant :- Ram Naresh

Opposite Party :- State Of U.P. And 5 Others

Counsel for Applicant :- Durgesh Pandey, Ghanshyam Das Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Arun Kumar Singh Deshwal, J.

Heard Sri G.D. Mishra, learned counsel for the applicant and Sri Padmakar Rai, learned A.G.A. for the State.

The present application has been filed for quashing the impugned order dated 17.8.2023 passed by Special Chief Judicial Magistrate-II, Allahabad in application u/s 156(3) Cr.P.c. (*Ram Naresh vs. Gulab Singh and others*), u/s 419, 420, 467, 468, 471, 120-B I.P.C., P.S. Mauaima, District Prayagraj and direct the court below to reconsider the aforesaid matter on merit and pass appropriate order.

Contention of learned counsel for the applicant is that while passing the impugned order dated 17.8.2023, learned Special Chief Judicial Magistrate-II, Allahabad erroneously rejected his application u/s 156(3) Cr.P.C. for registration of F.I.R., despite the fact that there is sufficient material that Smt. Gujrati was wife of the applicant and proposed accused prepared false document to grab her property and also lodged an F.I.R. against the applicant.

On perusal of the impugned order dated 17.8.2023, it appears that application of the applicant u/s 156(3) Cr.P.C. was rejected on the ground that regarding the same issue and property an F.I.R. was registered as Case Crime No. 80/23 at P.S. Soraon. Even otherwise this Court is of the view that a person can lodge an F.I.R. or complaint on the basis of his cross version.

However, it is still open to the applicant to file a complaint because rejection of the application u/s 156(3) Cr.P.C. for registration of F.I.R. will not preclude the applicant from filing complaint. Therefore, this Court is not inclined to interfere in the impugned order.

With the aforesaid observation, the application is **disposed of**.

Order Date :- 31.10.2023

Vandana