

Court No. - 93

Case :- APPLICATION U/S 482 No. - 37490 of 2023

Applicant :- Kamlesh And Another

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

Counsel for Applicant :- Ram Swaroop
(Singh),Shivakant Singh

Counsel for Opposite Party :- G.A.

Hon'ble Manoj Bajaj,J.

Applicants being accused have approached this Court through this application under Section 482 Code of Criminal Procedure seeking quashing of the final report under Section 173(2) Cr.P.C. filed on 3.8.2023 as well as the cognizance order dated 10.8.2023 passed by Additional Civil Judge (J.D.), Court No.9, Kanpur Nagar in Case Crime No. 239 of 2023, under Sections 147, 323, 504, 336, 506, 427, 308 I.P.C., Police Station Govind Nagar, District Kanpur Nagar.

Learned counsel for applicants submits that the F.I.R. is absolutely vague and would not disclose commission of any offence and despite that, after completion of investigation, the police filed final report indicting the accused-applicants and sent them to face trial for alleged commission of above mentioned offences. He submits that injuries suffered by the victim would not suggest the commission of offence punishable under Section 308 I.P.C., therefore, applicants have approached this Court for quashing of the above proceedings.

During the course of hearing, it is fairly stated by

learned counsel that the final report is pending consideration before the trial court.

Upon hearing the learned counsel for applicants and considering his submissions, this Court keeping in view the nature of offences, does not find it to be a fit case for exercise of inherent powers under Section 482 Cr.P.C. as the issues and the grounds raised in this application can also be effectively raised by them before the court at the stage of consideration of the final report.

The application fails and is dismissed.

Order Date :- 23.11.2023
P.S.Parihar