

Court No. - 92

Case :- APPLICATION U/S 482 No. - 37676 of 2023

Applicant :- Siddharth

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

Counsel for Applicant :- Vinod Kumar Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta,J.

1. Heard Sri Mahendra Kumar Yadav, Advocate holding brief of Sri Vinod Kumar Yadav, learned counsel for the applicant and Sri Sandeep Choudhary, learned A.G.A. for the State.

2. The instant application under Section 482 Cr.P.C. has been filed seeking quashing of the charge-sheet dated 04.01.2023 as well as impugned cognizance order dated 04.08.2023 and entire proceedings in Case No. 16384 of 2023 (State vs. Raj Mani and Others), arising out of Case Crime No. 0302 of 2022 u/S 147, 323, 504, 506, 354-B I.P.C., P.S.- Bhadohi, District-Bhadohi, pending in the court of learned Chief Judicial Magistrate, Bhadohi.

3. Learned counsel for the applicant submits that with regard to the incident of the same date, the father of the applicant, namely Umesh Chandra, had lodged an N.C.R., with regard to the incident of the same date whereby the opposite party no.2 and his family members have assaulted the brother of the applicant, namely Ranjeet kumar, who had suffered various injuries which were duly examined at Maharaj Balwant Singh Chikitsalaya and subsequent thereto, after about a month the instant application u/S 156(3) Cr.P.C., was filed by the opposite party no.2 on 10.08.2022, on false and fabricated facts as a counterblast to the N.C.R., registered by the applicants herein, with a view to pretend themselves as the victim whereas they were the assaulters of the incident for which the N.C.R., was already registered by the father of the applicant herein.

4. Learned counsel for the State submits that both the parties are alleging the incident of the same date and the N.C.R., filed by the father of the applicant after the application u/S 155 (2) Cr.P.C., was filed, the investigation is already pending. Therefore, this is a case where the two versions of cross cases are being filed by both the parties against the each other. Therefore, which version is true cannot be decided at this primary stage without leading of the evidence during the trial.

Therefore, no interference is called for at this stage as the applicant itself is not denying the incident in toto and the further the victim has categorically named the applicant herein in her 164 Cr.P.C. statement. Therefore, no interference is called for.

5. Having heard the rival submissions made by learned counsels for the parties, this Court has carefully gone through the record of the case. There are specific allegations against the applicants herein and the cross cases are already pending wherein the father of the applicant has not denied the incident in toto.

6. Therefore, having regard to the judgment of the Apex Court in *State of Haryana & Ors. vs. Bhajan Lal : 1992 SCC (Cri) 426*, *Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and Others : 2021 SCC OnLine SC 315* etc., no interference is called for and the instant application u/S 482 Cr.P.C., filed by the applicant is hereby **dismissed**.

Order Date :- 30.10.2023

Shubham Arya