

Court No. - 91

Case :- APPLICATION U/S 482 No. - 37891 of 2023

Applicant :- Anis Ahmad

Opposite Party :- State Of U.P. And 7 Others

Counsel for Applicant :- Dadhi Bal Yadav

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 impugned order dated 23.01.2018 passed by Chief Judicial Magistrate, Deoria rejecting the Complaint Case No.414 of 2016, under section 203 Cr.P.C. as well as to quash the impugned order dated 17.8.2021 passed by the Additional Session Judge, Court No.1, Deoria in Criminal Revision No.162 of 2018 (Anish Ahmad Vs. State of U.P. and others) and further prayer to stay the proceedings of the aforesaid case has been made.

3. It is submitted by the learned counsel for the applicants that the learned trial court has passed the order impugned dated 23.01.2018 rejecting the complaint made by the applicant although without considering the evidences laid down by the applicant. Further contention is that the learned Sessions Judge without considering the material/ evidences available on record and without applying judicial mind and without considering the facts and circumstances of the case has dismissed the revision vide order dated 17.8.2021.

4. On the other hand, learned AGA has opposed the prayer and submitted that there is no illegality, infirmity in the impugned

orders. A prima facie case is made out against the applicant.

5. Counsel for the appellant has not been able to point out any such illegality much less than any abuse of court's process which may persuade this Court to interfere in the impugned orders. The impugned order reflects judicial application of mind and the matter has been discussed at length by the trial court before passing the impugned orders. There appears no good ground to castigate the impugned order. The view taken by the court below seems to be correct and even this Court does not have reason to take a different view in the matter.

6. Having regard to the facts and circumstances of the case, after perusing the impugned orders as well as the materials brought on record and having considered the submissions made by the learned counsel for the parties, I do not find any good ground to quash the impugned orders. Hence, the prayer made in the application is refused.

7. With the aforesaid observations, the present application u/s 482 Cr.P.C. is **dismissed**.

Order Date :- 7.11.2023

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