

Court No. - 87

Case :- APPLICATION U/S 482 No. - 40023 of 2023

Applicant :- Narendra Sharma

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Kshatresh Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Neeraj Tiwari,J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State.

2. The present 482 Cr.P.C. application has been filed to quash the impugned order dated 12.07.2023 passed by Sessions Judge, Muzaffar Nagar in Criminal Revision No. 328 of 2022 (Narendra Sharma vs. Rajesh Sharma and others) as well as impugned order dated 03.11.2022 passed by Judicial Magistrate, Court No. 2, Muzaffar Nagar in Application No. 1364/11 of 2022, under Sections- 156(3) Cr.P.C. as complaint case.

3. Learned counsel for the applicant submitted that applicant has filed an application under Section 156(3) Cr.P.C. for lodging of F.I.R. against opposite party Nos. 2 to 4. While deciding the said application, instead of issuing direction to lodge F.I.R., learned Magistrate has passed order dated 03.11.2022 treating the application as complaint and fixed the date of 15.12.2022 for recording statement under Section 200 Cr.P.C. Against the said order, applicant has preferred Criminal Revision No. 328 of 2022, which was rejected vide order dated 12.07.2023. Hence present 482 application.

4. Being confronted by the Court about the grounds of challenge, learned counsel for applicant submitted that fraud was committed, therefore, it is required on the part of Magistrate to issue direction for lodging of F.I.R against opposite party Nos. 2 to 4.

5. Per contra, learned A.G.A. submitted that it is a complaint of more or less civil nature with allegation of forgery and fraud related to property dispute. He further pointed out that there is specific finding of learned Magistrate that all the facts are known to applicant, therefore, there is no occasion for lodging of F.I.R. Further, learned Magistrate has also directed for recording

statement under Section 200 Cr.P.C.

6. I have considered rival submissions made by counsels for parties and perused the records. From the perusal of complaint, it is apparently clear that allegations are related to fraud committed by opposite party No. 2 with regard to agricultural land, which is a civil dispute. Further, applicant was having detailed knowledge of facts, therefore, learned Magistrate has rightly proceeded to pass order for recording statement under Section 200 Cr.P.C. Even before this Court, learned counsel for applicant could not point out as to why impugned orders are not legally sound, therefore, I found no good reason to entertain the present 482 application.

7. Therefore, under such facts of the case, the instant 482 application lacks merit and is, accordingly **dismissed**.

8. No order as to costs.

Order Date :- 7.11.2023

Sartaj