

**Court No. - 91**

**Case :- APPLICATION U/S 482 No. - 39106 of 2023**

**Applicant :- Smt. Mangesh Sharma**

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

**Counsel for Applicant :- Devesh Kumar Sharma**

**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 direct the court below to summon the opposite party no.2 to 6 under section 467 IPC along with other sections by modifying the impugned order dated 05.07.2023 passed by Judicial Magistrate, Court No.1, Mathura accordingly passed in Criminal Case No.1846 of 2023 (State of U.P. Vs. Shyamlal and Others), arising out of Case Crime No.35 of 2023, Police Station- Mahawan, District- Mathura.

3. It is submitted by learned counsel for the applicant that FIR was lodged by the applicant against the accused persons for the offence under section 467 IPC. The Investigating Officer after completing investigation has submitted charge-sheet against the accused persons for offence under section 420, 468, 471, 120-B IPC but has not submitted charge sheet under section 467 IPC. At the stage of taking cognizance, an application was moved before the Magistrate concerned for taking cognizance for the offence under section 467 IPC which has been heard and decided without considering the submissions made by learned counsel for the applicant and the impugned order has been challenged by way of

application under section 482 Cr.P.C

4. Learned A.G.A. has opposed the prayer and submitted that applicant still has an occasion or opportunity to take all the plea and submission at the time of framing of charge. Therefore, no case is made out for interference at this stage.

5. In view of the submissions made by learned counsel for the parties, and from perusal of the record, it is apparent that the applicant still has got an opportunity to raise all the pleas and submissions taken at the time of framing of charge. Therefore, in view the facts and circumstances of the case, it is directed that the applicants shall raise all the pleas and submission by moving a proper application before the trial court, as expeditiously as possible and he is free to take all the submissions in the said application before the Trial Court which shall be considered and disposed of by the Trial Court in accordance with law.

6. Accordingly, the present application is **disposed of**.

**Order Date :- 1.11.2023**

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