

Court No. - 67

Case :- MATTERS UNDER ARTICLE 227 No. - 10913 of 2023

Petitioner :- Pradeep Kumar Chadhary

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Kanhaiya Lal Tiwari

Counsel for Respondent :- G.A.

Hon'ble Mohd. Azhar Husain Idrisi,J.

1. Heard Sri Sandeep Kumar Pandey, Advocate holding brief of Sri Kanhaiya Lal Tiwari, learned counsel for the petitioner and the learned A.G.A. Perused the record.

2. The instant petition under Article 227 of the Constitution of India challenging the impugned order dated 31.7.2023 passed by the learned Additional Chief Judicial Magistrate-I, Basti, in Criminal Misc. Case No. 688 of 2023 as well as the order dated 17.8.2023 passed by the learned Sessions Judge, Basti, in Criminal Revision No. 165 of 2022.

3. Learned counsel for the petitioner has submitted that the petitioner has filed an application u/s 156(3) Cr.P.C. before the learned lower court stating that on 04.06.2022, he lodged an F.I.R. in case crime no. 302 of 2022 against one Vishu Patel and Prakhar Patel in which the opposite party nos. 2 demanded Rs. 30,000/- for adding section 325 I.P.C. while filing the charge sheet opposite party no. 3 demanded Rs. 15,000/-. It is further stated that the petitioner denied giving the money, hence, in the charge sheet section 325 I.P.C. was omitted. Thereafter the petitioner moved an application under Section 156(3) Cr.P.C. for lodging of the FIR against the opposite party nos. 2 & 3 which was rejected by the learned Additional Chief Judicial Magistrate-I, Basti vide order dated 31.7.2023. The petitioner filed a revision being Criminal Revision No. 165 of 2022 against the aforesaid order dated 31.7.2023 which was also dismissed illegally by the learned Sessions Judge, Basti vide order dated 17.8.2023.

4. Considering the submission of the learned counsel for the parties and having perused the material placed on record, it reveals that the opposite parties have submitted the charge sheet with the addition or omission of Section 325 IPC is not challenged. So far as demand of illegal gratification by the opposite parties to add or

omit some section in the charge sheet is concerned, it is a different matter. The learned lower court after summoning the report from the concerned police station instituted an inquiry and on the basis of the report learned lower court found that the charges levelled by the petitioner is baseless and false. Thereafter the revisional court has also rightly rejected the revision. Thus, the impugned orders do not suffer from any material irregularity, illegality or jurisdictional error, therefore, do not call for any interference.

5. The petition is accordingly, **dismissed** at this stage leaving it open to the petitioner to press his relief before the appropriate forum.

Order Date :- 30.11.2023

M. Tarik