

Court No. - 89

Case :- APPLICATION U/S 482 No. - 40855 of 2023

Applicant :- Ramchet And 3 Others

Opposite Party :- State Of U.P. And Another

Counsel for Applicant :- Vijay Kumar Dubey

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

1. Heard Sri Ashish Kumar Gupta, Advocate, holding brief of Sri Vijay Kumar Dubey, learned counsel for the applicants and learned AGA for the State.
2. The present 482 Cr.P.C. application has been filed to quash the charge-sheet dated 03.06.2023, cognizance order dated 12.06.2023 as well as entire proceedings of Case No.589 of 2023 arising out of Case Crime No.272 of 2023 (State vs. Ramchet and others), under Sections 323, 504, 304 I.P.C. PS Dhanghata, District Sant Kabir Nagar, pending in the Court of Sessions Judge, Sant Kabir Nagar.
3. Learned counsel for the applicants submits that applicants have challenged the impugned charge-sheet dated 03.06.2023 and impugned cognizance order dated 12.06.2023. He next submitted that all the proceeding against the applicants is malice proceeding and cannot be entertained. From perusal of the statement of witnesses and independent witness, no specific role has been assigned to the applicants. Applicants have not committed any *marpeet* and implicating the applicants on the contents of the FIR, is illegal and there is no evidence against the applicants to prosecute them in the aforesaid case.
4. Learned A.G.A. has vehemently opposed the contention raised by learned counsel for the applicants.
5. Considering the submissions raised by learned counsel for the applicants. It is evident that by order dated 14.08.2023, the case was committed to Court of Session and case was put up for framing of charge. However, if the applicants moved discharge application before the court below, then the court below shall decide his application expeditiously, in accordance with law.
6. The application u/s 482 Cr.P.C. is, accordingly, **disposed of.**

Order Date :- 6.11.2023

SKD