

Court No. - 93

Case :- APPLICATION U/S 482 No. - 42512 of 2023

Applicant :- Ashok Prajapati

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Dinesh Kumar Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Manoj Bajaj,J.

This application u/s 482 Cr.P.C. has been filed for quashing the charge sheet no.239 of 2022 dated 3.11.2022 in case crime no.7 of 2021 (Case No.19080 of 2022) under Section 500 IPC and Section 67 Information Technology Act, 2000, Police Station- Kotwali Nagar, District Hamirpur (State vs. Ashok Prajapati) as well as the cognizance order dated 18.11.2022 passed by Chief Judicial Magistrate, Hamirpur.

Learned counsel for the applicant submits that the subject F.I.R. was registered against the applicant on 09.01.2021 by his father-in-law, wherein after completion of the investigation final report was submitted on 03.11.2022 and on the basis of it cognizance has been taken by the Chief Judicial Magistrate, Hamirpur on 18.11.2022. He further submits that the applicant did not send any message to the opposite party no.2 and he has been falsely

implicated in the case, because a case filed by applicant against opposite party no.2 and his wife, seeking custody of minor son, is pending adjudication before the Family Court, Hamirpur.

During the course of hearing, it is not disputed by the learned counsel that the final report dated 03.11.2022 is yet to be considered by the court, wherein the applicant is yet to appear and warrants to secure his presence have already been issued.

Thus, considering the delay in approaching this Court coupled with the fact that the applicant can raise these issues before the trial court at the stage of consideration of the final report, this Court is not inclined to exercise the inherent power under Section 482 Cr.P.C.

This application is dismissed.

Order Date :- 21.11.2023

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