

Court No. - 92

Case :- APPLICATION U/S 482 No. - 42035 of 2023

Applicant :- Shivpukar @ Shiv Prakash And 4 Others

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

Counsel for Applicant :- Surendra Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta,J.

1. Heard Sri Satyendra Kumar, Advocate holding brief of Sri Surendra Kumar, learned counsel for the applicants and Sri Parmakar Rai, learned A.G.A. for the State.

2. The instant application under Section 482 Cr.P.C. has been filed seeking quashing of the charge-sheet dated 21.02.2023 as well as impugned summoning/cognizance order dated 05.06.2023 in Sessions Trial No.510 of 2023 (State of U.P. vs. Shiv Pukar @ Shiv Prakash and Others), arising out of Case Crime No. 11 of 2023 u/S 147, 323, 308, 504, 506, 452, 325 I.P.C., P.S.- Sikandarpur, District- Ballia, pending in the court of learned Sessions Judge, Ballia.

3. Learned counsel for the applicants submits that there was a property dispute between the parties for which the instant prosecution has been lodged by the opposite party no.2 against the applicants herein on the basis of false and fabricated story. Therefore, he has prayed for quashing of the entire proceedings of the instant case.

4. Learned counsel for State submits that in the instant case, the victims have suffered various injuries including the fracture etc., which has been duly supported by the injury report. It can't be said that the instant case was lodged on false and fabricated story.

5. Having heard the rival submissions made by learned counsels for the parties, this Court has carefully gone through the record of the case. From the F.I.R. it is apparent that the applicants herein have assaulted the opposite party no.2 and his family members in which they have suffered various injuries including the fracture etc., which is duly supported by the injury report annexed as Annexure nos.'2', '3' & '4' to the instant application. Therefore, police after the investigation filed the charge-sheet dated 23.02.2023 against all the applicants herein.

6. Therefore, in the considered opinion of this Court, there is no illegality in the submission of the charge-sheet or the cognizance/summoning order dated 05.06.2023, which has been passed on the basis of material available before the learned trial court. Therefore, this Court do not find any good reason to entertain the instant petition as the same lacks merit and is hereby **dismissed**.

Order Date :- 23.11.2023
Shubham Arya