

Court No. - 89

Case :- APPLICATION U/S 482 No. - 42610 of 2023

Applicant :- Rajendra Singh @ Pintu And 2 Others

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

Counsel for Applicant :- Awadh Bihari Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

1. Heard Sri Awadh Bihari Pandey, 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 cognizance/summoning order dated 29.04.2018, charge sheet dated 08.01.2018 as well as entire proceedings of Case No.15745 of 2018, arising out of Case Crime No.239 of 2017, under Sections 323, 504, 506 I.P.C., PS Kotwali, District Kanpur Nagar, pending in the Court of Addl. Chief Metropolitan Magistrate, Kanpur Nagar.

3. The contention of learned counsel for the applicants is that the instant FIR is counterblast as applicant has lodged FIR against opposite party No.2. Statement of witnesses during investigation is not supporting the prosecution case and only to harass the applicant, the present FIR has been lodged. It is submitted that on the day of incident, informant and his associates were drinking liquor near the house of the applicants and they were using filthy language and when the applicants raised objection then they caused injury to them.

4. Learned A.G.A. has vehemently opposed the prayer for quashing the proceedings of the aforesaid case and has submitted that the same do not suffer from any illegality or infirmity and submitted that submission raised by applicants counsel are disputed questions of fact.

5. Considering the argument raised by applicants' counsel and perused the entire record, it is evident that the submission of applicants' counsel relating to the facts and the same cannot be examined at this stage. It is admitted facts that both the parties are involved in the criminal act which is apparent from FIR lodged by the applicant, as such, at this, it cannot be said that no offence is

made out against the applicants.

6. In view of the above, in the light of judgment of the Apex Court in the matters of **R.P. Kapur Vs. State of Punjab, A.I.R. 1960 S.C. 866, State of Haryana Vs. Bhajan Lal, 1992 SCC (Cr.) 426, State of Bihar Vs. P.P.Sharma, 1992 SCC (Cr.) 192 and lastly Zandu Pharmaceutical Works Ltd. Vs. Mohd. Saraful Haq and another (Para-10) 2005 SCC (Cr.) 283**, no ground for quashing the proceedings of the aforesaid case, is made out which may call for any interference by this Court in exercise of its inherent power under Section 482 Cr.P.C. as the same do not suffer from any illegality or infirmity.

7. The present application under Section 482 Cr.P.C. lacks merit and is, accordingly, **dismissed**.

Order Date :- 22.11.2023

Nitin Verma