

Court No. - 93

Case :- APPLICATION U/S 482 No. - 43691 of 2023

Applicant :- Ajay Kumar

Opposite Party :- State Of U.P. And 8 Others

Counsel for Applicant :- Rajesh Kumar Srivastava, Shahabuddin

Counsel for Opposite Party :- G.A.

Hon'ble Manoj Bajaj, J.

Ajay Kumar- applicant/complainant has filed this application under Section 482 Code of Criminal Procedure for quashing of the order dated 05.09.2023 passed by Additional Civil Judge (S.D.) court no.4, Ghaziabad in Complaint Case No.8456 of 2023, titled Ajay Kumar vs. Jyoti and others, whereby the court has refused to issue process against the private respondent nos.2 to 9.

Learned counsel submits that the applicant/complainant- Ajay Kumar was married to Jyoti and soon after the marriage, his wife in connivance with her mother, brothers and other relatives started harassing the applicant- complainant and levelled false accusations against him. He submits that the applicant suffered injuries which have been attributed to the private respondents and the Magistrate has ignored the nature of offences while passing the impugned order refusing to issue process against the accused persons. He submits that the court has erroneously held that the case of the applicant is not supported by medical evidence, whereas he submits that the relevant medical evidence was adduced before the court. He has drawn the attention of the Court to Annexure No.1 to contend that the impugned order warrants interference.

After hearing the learned counsel and considering his submission, this Court finds that in the complaint itself, the complainant has

pleaded that on 9th January, 2022 at around 7:00 P.M., he consumed poison and the neighbours came to know about this, and they took him to the G.T.B Hospital, where he was treated and saved. Further, a perusal of the medical record would also show that the alleged history of occurrence narrated to the hospital authorities also reveals that it was a voluntarily consumption of some unknown substance by the complainant, though it is also mentioned that due to some fight with the wife and in-laws, he committed this act.

Be that as it may, the facts and circumstances of the case do not reveal any overt act on the part of the private respondents and further the prayer in the complaint seeks prosecution of the respondents for the alleged commission of offences punishable under Section 307, 306, 323, 452, 506, 507, 120B, 34 IPC and the same are not at all made out.

The impugned order dated 05.09.2023 passed by the Magistrate is based upon proper appreciation of material on record, therefore, no interference is warranted.

This application is dismissed.

Order Date :- 30.11.2023

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