

Court No. - 93

Case :- APPLICATION U/S 482 No. - 45006 of 2023

Applicant :- Som Dutt Sharma

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

Counsel for Applicant :- Vipul Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Manoj Bajaj,J.

Applicant has approached this Court through this application under Section 482 Code of Criminal Procedure seeking quashing of the order dated 08.11.2023 passed by Additional District & Sessions Judge, court no.6, district Gautam Budh Nagar in Criminal Revision No.199 of 2023, titled Rajiv Chibba Vs. State of U.P. & others, whereby the order dated 13th March, 2023, passed by Magistrate, dismissing the complainant's complaint under Section 156(3) Code of Criminal Procedure has been set aside, and case has been remanded back before the magistrate for passing a fresh order in accordance with law.

Since the application of the complainant moved under Section 156(3) Code of Criminal Procedure is pending consideration before magistrate, therefore, the petition filed by the accused is premature and is not based upon any cause of action. Resultantly, no case is made out for exercise of inherent powers under Section 482 Cr.P.C. This application is dismissed.

Order Date :- 11.12.2023/Raj