

Court No. - 93

Case :- APPLICATION U/S 482 No. - 44365 of 2023

Applicant :- Ram Lakhan And Another

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

Counsel for Applicant :- Ramesh Chandra Pathak

Counsel for Opposite Party :- G.A.

Hon'ble Manoj Bajaj,J.

Applicants being accused have approached this Court through this application under Section 482 Code of Criminal Procedure seeking quashing of the charge-sheet dated 31.10.2016 as well as cognizance order dated 03.04.2019 passed by Chief Judicial Magistrate, Basti in Case No.933 of 2019, titled State Vs. Ram Lakhan and others arising out of Case Crime No.1390 of 2016, under Section 427 I.P.C., Police Station- Kotwali Basti, District Basti, pending in the court of Chief Judicial Magistrate, Basti.

Learned counsel submits that there is a civil litigation pending between the complainant and the applicants, and in order to pressurize the applicants, the complainant has falsely implicated the applicants in the impugned case crime number 1390 of 2016, wherein the final report dated 31st October, 2016 stands filed for alleged commission of offence punishable under Section 427 IPC. He submits that the wall of the complainant fell on its own because of excessive rain, and misusing this circumstance

against the applicants the complainant has lodged this first information report. He prays for quashing of this criminal proceedings.

During the course of hearing, it is not disputed by the learned counsel that the cognizance of offence was taken by the court vide order dated 3rd April, 2019 and pursuant to the said order, the applicants have yet to put in appearance.

Thus, considering the long delay in challenging the impugned proceedings in case crime number 1390 of 2016 as well as the conduct of the applicants, this Court is not inclined to exercise the inherent power under Section 482 Code of Criminal Procedure.

This application is dismissed.

Order Date :- 5.12.2023

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