

Court No. - 12

Case :- APPLICATION U/S 482 No. - 2620 of 2022

Applicant :- Surya Prakash Verma And Another

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt. Civil
Secrty. Lko And Another

Counsel for Applicant :- Ajeet Kumar

Counsel for Opposite Party :- G.A.,Arvind Kumar

Hon'ble Rajeev Singh,J.

1. Heard learned counsel for the applicants, learned A.G.A. for the State and perused the material brought on record.
2. This application has been filed for quashing the charge sheet dated 21.06.2021 as well as cognizance order dated 08.07.2021 passed in Criminal Case No. 6751 of 2021 arising out of F.I.R. No. 484 of 2021, under Sections 498A, 304B I.P.C. and Section 3/4 D.P. Act, P.S. Kotwali Nagar, District Barabanki.
3. Learned counsel for the applicants submits that the Investigating Officer filed the charge sheet in mechanical manner. It is also submitted that the court below has also wrongly taken cognizance on the same vide impugned order dated 08.07.2021. It is, thus, submitted that the indulgence of this Court is necessary.
4. Learned A.G.A., while opposing the prayer of the applicants, submits that the Investigating Officer filed the charge sheet after detail investigation on the basis of evidences collected. Learned A.G.A., while drawing the attention of the Court towards the statement of the witnesses, submits that the defence of the applicants cannot be considered in the present proceedings. Reliance, in support of the contention, has been placed on the decision of the Hon'ble Apex Court in the case of **C.B.I. Vs. Aryan Singh, 2023 SCC Online SC 379**.
5. Considering the arguments advanced by the learned counsel for the applicants, learned A.G.A. and going

through the contents of the application, impugned order as well as other relevant documents, it is evident that after detail investigation, charge sheet has been filed by the Investigating Officer on the basis of statements of the witnesses as well as post mortem report and inquest report. Admittedly, the defence of the applicants cannot be considered at this stage.

6. The application has no merit and, accordingly, stands dismissed.

Order Date :- 3.11.2023

VKS