

Court No. - 12

Case :- APPLICATION U/S 482 No. - 10193 of 2023

Applicant :- Shubham Singh And Another

Opposite Party :- State Of U.P. Thru. The Prin. Secy. Home, Lko. And 3 Others

Counsel for Applicant :- Rajesh Kumar Gupta, Ashish Kumar Singh, Prashant Singh

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State.

2. The present application under Section 482 Cr.P.C. is filed with the prayer to quash the entire proceeding of Case Crime No.1155 of 2022, under Sections 341, 504, I.P.C., Police Station Kotwali Sadar, District Kheri.

3. Learned counsel for the applicant has submitted that investigation was not done properly by the Investigating Officer. He next submitted that during the course of investigation, statement of applicant was not recorded under Section 161 Cr.P.C. and after receiving the summons, it came into their notice that any F.I.R. was lodged by the private respondent against the applicants. He also submitted that marriage of sister of the applicant was solemnized with the son of the private respondent and due to some matrimonial dispute, application under Section 125 Cr.P.C. was filed by sister of the applicant, namely, Nishi Devi, as a result, in retaliation, the F.I.R. of case in question was lodged without recording the statement of the applicant, charge sheet was filed, therefore, indulgence of this Court is necessary.

4. Learned A.G.A. opposed the prayer of the applicant and submitted that statement of the victim of the case in question has not been annexed by the applicant and after detail investigation, charge sheet has already been filed and as per the prosecution case, petrol was

sprayed by the accused persons on the victim and thereafter, anyhow, she saved herself and rushed to the police station and case in question was lodged. He also relies on the decision of the Apex Court in the case of **C.B.I. Vs. Aryan Singh** reported in **2023 SCC Online SC 379** and submitted that evidences collected by the Investigating Officer cannot be evaluated at this stage.

5. Considering the submissions of learned counsel for the parties, going through the record of the application as well as other relevant documents, as it is well settled by the Apex Court that defence of the applicants cannot be considered in application under Section 482 Cr.P.C., accordingly, the present application under Section 482 Cr.P.C. is misconceived and is hereby, **dismissed**.

Order Date :- 17.10.2023

Gaurav/-