

Court No. - 12

Case :- APPLICATION U/S 482 No. - 10628 of 2023

Applicant :- Dheeru

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

Counsel for Applicant :- Gyanendra Singh Sikarwar, Kuldeep Singh Sikarwar

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the material brought on record.
2. This application has been filed for quashing the order dated 30.09.2023 passed by Chief Judicial Magistrate, Hardoi in Misc. Case No. 1320 of 2023 (Minnee Vs. Gyanu & Ors.), whereby direction was issued to the S.H.O. concerned to register the case and investigate the matter.
3. Learned counsel for the applicant submits that the application under Section 156(3) Cr.P.C. was moved by the private respondent, on which, report was sought from the concerned police station and incorrect report was submitted.
4. At this stage, learned A.G.A. informs that in compliance of the order of the Chief Judicial Magistrate, Hardoi dated 30.09.2023, F.I.R. No. 560 of 2023 has already been registered under Section 304 I.P.C. It is, thus, submitted that the application has lost its efficacy.
5. Learned counsel for the applicant seeks leave of this Court to permit withdrawal of the application with liberty to challenge the aforesaid F.I.R. before the appropriate forum.
6. The application, accordingly, stands dismissed as infructuous with the aforesaid liberty.

Order Date :- 31.10.2023

VKS