

Court No. - 12

Case :- APPLICATION U/S 482 No. - 10841 of 2023

Applicant :- Umesh Pandey

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

Counsel for Applicant :- Dinesh Kumar Singh, Anil Kumar, Indresh Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

1. Heard learned counsel for the petitioner, learned AGA and perused the record.

2. Present petition has been filed with the following prayer:-

"To quash the charge sheet No. 434 of 2019 dated 20.12.2019 under section 302 IPC arising out of case Crime No. 0562 of 2019 under section 302 IPC Police station Kotwali Dehat, District Hardoi, and summoning order dated 20.10.2020 by the Chief Judicial Magistrate, Hardoi, including entire proceeding of Criminal Case No. 14828 of 2020 "State Versus Umesh Pandey" under section 302 IPC, Police Station- Kotwali Dehat, District- Hardoi, pending in the court of Chief Judicial Magistrate, Hardoi."

3. Learned counsel for the applicant submitted that deceased was working in the factory premises of the applicant as due to shock of electric current he died and the information was given to the police but thereafter on the basis of incorrect fact FIR of case in question was lodged and the chargesheet was filed in the most mechanical manner, therefore kind indulgence of this Court is necessary.

4. Learned AGA vehemently opposed the prayer of the applicant and submitted that autopsy of the deceased was conducted and six ante-mortem injuries were found and cause of death was due to shock and hemorrhage of ante-mortem injuries and all these evidences were collected by the investigating officer which cannot be evaluated at this stage and he also relied upon the decision of Hon'ble Apex Court in the case of **CBI Vs. Aryan Singh 2023 SCC online SC 379**.

5. Considering submissions of rival parties and going through the content of petition, as post-mortem reveals that the cause of death of the deceased was due to ante-mortem injuries and all the defense of the applicant cannot be evaluated at this stage,

therefore petition is mis-conceived and is **dismissed** accordingly.

Order Date :- 6.11.2023

Vipul