

Court No. - 12

Case :- APPLICATION U/S 482 No. - 11162 of 2023

Applicant :- Chandrabhan Upadhyay

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Home, Lucknow And 4 Others

Counsel for Applicant :- Shiv Sharan Singh, Mohammad Arif

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

1. Heard learned counsel for the applicants, learned A.G.A. for the State and perused the material available on record.
2. This application has been with the following prayer:-

"To quash the impugned order dated 15.09.2023, passed by the Addl. Chief Judicial Magistrate, Court No. 17, Sultanpur."

3. Learned counsel for the applicant submitted that application under Section 156(3) CrPC was filed but the same was treated as a complaint case and thereafter learned Trial Court rejected the same under Section 203 CrPC without appreciating the evidences as well as the statement of the applicant recorded under Section 200 and 202 CrPC. He also submitted that at the time of passing the impugned order the document provided by the private respondent were also considered, therefore, kind indulgence of this Court is necessary.

4. Learned AGA vehemently opposed the prayer of the applicant and drew attention of the Court on the statement of applicant recorded under Section 200 and 202 CrPC and submitted that no offense is made out and that learned trial court has rightly rejected the complaint.

5. Considering submissions of rival parties and going through the contents of the petition, as it is undisputed fact that both the parties belong to the same family tree and there is a dispute related to property and as it is evident from the record that private respondent was adopted by Ram Dular on 5.7.1984 by way of registered adoption deed. After going through the contents of the statement of the victim recorded under section 200 and 202 CrPC, no offense is made out, therefore learned court below has rightly rejected the complaint.

6. In view of the above this petition is devoid of merit and is **dismissed** accordingly.

Order Date :- 9.11.2023/Vipul