

Court No. - 12

Case :- APPLICATION U/S 482 No. - 11585 of 2023

Applicant :- Sunil Singh And 3 Others

Opposite Party :- State Of U.P Thru. Addil. Chief Secy. Home Deptt.
Civil Sectr. Lko. And Another

Counsel for Applicant :- Dr. Ajai Pratap Singh Chauhan

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 brought on record.
2. This application has been filed for quashing the charge sheet dated 30.08.2023 filed in F.I.R. No. 289 of 2023, under Sections 386, 506, 411 I.P.C., P.S. Ram Nagar, District Barabanki.
3. Learned counsel for the applicants submits that the applicant no. 1 was beaten by the police personnel by the concerned police station, due to which, he filed a complaint, in which, order was passed for recording of the statements under Sections 200 and 202 Cr.P.C. on 11.11.2021. It is further submitted that the applicants are being threatened by the police personnel not to give statement in the aforesaid proceedings. At the same time, on the basis of incorrect facts, F.I.R. No. 289 of 2023 (supra) was lodged on the basis of written complaint of one Ankit Awasthi, in which, charge sheet has been filed by the police official only to make pressure on the applicant no. 1 to withdraw the aforesaid complaint filed by him. It is, thus, submitted that the indulgence of this Court is necessary.
4. Learned A.G.A. opposes the prayer of the applicants and submits that the present F.I.R. has been filed by an independent person, namely, Ankit Awasthi, who has no concern with the police department. It is also submitted that after recording the statement of the informant and collecting other evidences, impugned charge sheet has

been filed by the Investigating Officer. It is vehemently submitted that the present proceedings have no nexus with the complaint filed by the applicant no. 1. It is lastly submitted that defence of the applicants cannot be considered at this stage and, therefore, the present application is liable to be dismissed.

5. Considering the arguments advanced by learned counsel for the applicants, learned A.G.A. and going through the contents of the application, F.I.R. as well as other relevant documents, it is evident that charge sheet has already been filed by the Investigating Officer after detail investigation. Apparently, neither the evidences collected by the Investigating Officer during the course of investigation can be evaluated at this stage nor the defence of the applicants can be considered in the present proceedings.

6. In view of above facts and circumstances, the present application is devoid of merit and stands dismissed.

Order Date :- 28.11.2023

VKS