

Court No. - 12

Case :- APPLICATION U/S 482 No. - 11654 of 2023

Applicant :- Ram Khelawan Verma And 2 Others

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko.
And 5 Others

Counsel for Applicant :- Vishwa Vandhu Tripathi

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 record.
2. The present application is filed by the applicants for quashing the F.I.R. No.181 of 2023 under Sections 406, 420, 506 I.P.C. at P.S.- Gomti Nagar Extension, District- Lucknow East Commissionerate, Lucknow.
3. Learned counsel for the applicants submitted that applicants are being victimized by way of double jeopardy, therefore, kind indulgence of this Court is necessary.
4. Learned A.G.A. raised preliminary objection and submitted that the application is not maintainable on the ground of law laid down by the larger Bench of this Court in the case of ***Ramlal Yadav and Ors. Vs. State of U.P. and Ors.*** decided on ***01.02.1989***
5. Considering the submissions of counsel for the parties, going through the contents of application as well as other relevant documents, as it is evident from the record that earlier, the F.I.R. of crime in question was challenged before Division Bench in Criminal Misc. Writ Petition No.5820 of 2023 which is disposed of with the direction to the authorities to follow the mandate of Section 41 Cr.P.C. also the direction issued by the Hon'ble Apex Court in the case of ***Arnesh Kumar Vs. State of Bihar*** reported in ***(2014) 8 SCC 273***, as the prayer for quashing of the F.I.R. was declined as it is well settled by the larger Bench of this Court in the case of ***Ramlal Yadav and Ors. Vs. State of U.P. and Ors.*** decided on ***01.02.1989*** that the investigation cannot be interfered by this Court under the provisions of Section 482 Cr.P.C., therefore, application is liable to be dismissed.
6. Accordingly, the application is **dismissed** with the liberty to the applicants to seek appropriate remedy.

7. It is also open to the applicants to provide all the evidences to the Investigating Officer, and in case, any evidence is provided by the applicants, then the same shall be considered and investigated in accordance with the provisions of Para 107 of U.P. Police Regulations.

Order Date :- 29.11.2023

V. Sinha