

Court No. - 12

Case :- APPLICATION U/S 482 No. - 11809 of 2023

Applicant :- Ram Sevak @ Ram Sevak Chauhan And 2 Others

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

Counsel for Applicant :- Seema Upadhyay

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 record.
2. Present application has been moved by the applicants for quashing the summoning order dated 11.04.2023 passed by Additional Chief Judicial Magistrate, Court No.25, Barabanki in Criminal Case No.335/2023 and charge sheet dated 25.02.2023 in Case Crime No.9 of 2023 U/S 323, 504, 506, 427 I.P.C., P.S. Baddupur, District- Barabanki.
3. Learned counsel for the applicants submitted that on the basis of false allegations, F.I.R. of case in question was lodged and charge sheet was filed by the Investigating Officer in the most mechanical manner, thereafter, cognizance was taken by the trial court. She further relied on the decision of Hon'ble Apex Court in the case of ***State of Haryana Vs. Bhajan Lal*** reported in ***1992 Supp (1) SCC 335*** and submitted that the prosecution in question has only been initiated with a mala fide intention, therefore, kind indulgence of this Court is necessary.
4. Learned A.G.A. opposed the prayer of applicants and submitted that an injury was found on the body of Gyanwati and the Investigating Officer conducted detailed investigation and after recording the statement of the witnesses including the injured persons and going through the medico-legal examination report, charge sheet was submitted. He further relied on the decision of Hon'ble Apex Court in the case of ***CBI Vs. Aryan Singh*** reported in ***2023 SCC OnLine SC 379*** and submitted that all these defence of the applicants cannot be evaluated at this stage, therefore, the application is liable to be dismissed.
5. Considering the submissions of learned counsel for the parties, going through the contents of application, as well as other relevant documents, as there was an injury found on the body of Gyanwati and charge sheet was submitted after detailed

investigation, as defence of the applicants cannot be evaluated at this stage, therefore, I am of the view that the application is liable to be rejected.

6. Accordingly, the application is hereby **dismissed**.

7. However, it is open to the applicants to move a bail application before the trial court, if any such application is moved, then the same shall be considered and decided in accordance with the law laid down by the Hon'ble Apex Court in the case of *Satendra Kumar Antil Vs. Central Bureau of Investigation and another (Special Leave to Appeal (Crl.) No.5191 of 2021*.

Order Date :- 5.12.2023

V. Sinha