

**Court No. - 12**

**Case :-** APPLICATION U/S 482 No. - 12001 of 2023

**Applicant :-** Ishtkhar Ahmad

**Opposite Party :-** State Of U.P. Thru. Secy. Deptt. Home Affairs Lko. And 7 Others

**Counsel for Applicant :-** Akhilesh Pratap Singh, Karun Verma

**Counsel for Opposite Party :-** G.A.

**Hon'ble Rajeev Singh, J.**

1. Heard learned counsel for the applicant as well as learned A.G.A. for the State and perused the record.

2. The present application has been filed for quashing the order of cognizance dated 20.09.2023 passed by learned Additional Civil Judge (J.D.)/J.M., Room No. 17, Pratapgarh as well as charge-sheet dated 04.08.2023 arising out of Case Crime No. 94/2023 U/s 323, 498-A of I.P.C., Police Station- Delhupur, District- Pratapgarh for staying the further proceeding of Criminal Case No. 18397/2023 (*State Vs. Shahruk & others*) pending before learned Additional Civil Judge (J.D.)/J.M, Room No. 17, Pratapgarh during the pendency of the present petition/application.

3. Learned counsel for the applicant submits that sister of applicant was a divorcee and only on the pretext of marriage, applicant developed relation with her with the association of other family members, thereafter, she was enticed away four months ago from the date of lodging of the F.I.R. In this connection, the missing report was lodged in the police station concerned. He further submits that in the Civil Court, Pratapgarh, they got registered their marriage on 24.05.2023. In the meantime, sister of applicant conceived and she was being insisted for abortion as she denied for abortion, all the accused persons started beating her with kicks and punches as such she received injuries on her body. After the said incident, she was shifted to the District Hospital, Pratapgarh where it was informed that her foetus was dead and she was in critical condition then she was admitted in the hospital on 09.07.2023 where she was under treatment. It is further submitted that on 03.07.2023, ultrasound of abdomen of sister of applicant was conducted at Sushma Ultrasound Centre situated in front of Swashashi Medical College, Kachehri Road, Pratapgarh where it was reported that live foetus of 15 weeks 01 days was found. It is further submitted that charge-sheet was submitted by

Investigating Officer in the most mechanical manner. It is thus submitted that indulgence of this Court is required.

4. Learned A.G.A. opposes the prayer of applicant and submits that victim was medically examined and as per the report of Radiology Department of Raja Pratap Bahadur Hospital, Pratapgarh it was reported that bulky uterus was found, no gestational sac was seen & endometrial thickness was found 14.3 m.m., and there was no evidence that any dead foetus was aborted. He further submits that charge-sheet was rightly submitted by Investigating Officer and there is no illegality in the order passed by learned trial court.

5. Considering the submissions of learned counsel for the applicant, learned A.G.A. and going through the contents of application as well as other relevant documents; it is evident from the record that victim is a divorcee major lady and she has joined the company of respondent no. 2 and stayed with him in Gujarat for about four months but she never made any complaint as in the F.I.R. allegation was made against seven persons, after investigation charge-sheet was submitted by Investigating Officer against respondent no. 2- Shahrukh. Therefore, there is no illegality in the order passed by learned trial court.

6. With the above observations, this Court is of the view that the present application U/s 482 Cr.P.C. lacks merit and accordingly, stands **dismissed**.

**Order Date :- 11.12.2023**

Arpan