

Court No. - 11

Case :- APPLICATION U/S 482 No. - 12627 of 2023

Applicant :- Satya Narayan @ Pappu And Others

Opposite Party :- State Of U.P. Thru. Its Addl. Chief Secy. Home Deptt., Govt. Civil Sectt. Lko. And Another

Counsel for Applicant :- Apoorv Dev, Ashutosh Chaubey, Prashant Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania, J.

Heard Sri I.B. Singh learned Senior Advocate assisted by Sri Apurv Dev, learned counsel for the petitioners/ applicants, learned AGA for the State and Sri Rajeev Ram Srivastava learned Advocate who put in appearance and filed the Vakalatnama on behalf of opposite party no.2, which is taken on record as well as perused the record.

The present petition has been filed for the following main relief:-

"Wherefore, it is most respectfully prayed that this Hon'ble Court may kindly be pleased to quash/set aside the order dated 08.12.2023, passed by the learned Chief Judicial Magistrate, Sitapur, in Miscellaneous Criminal Case No. 1244 of 2022, whereby the direction for lodging of First Information Report has been issued as well as the First Information Report dated 747 of 2023, dated 17.12.2023, lodged Under Section-419/420/467/468/471 IPC at Kotwali, Sitapur in compliance of order dated 08.12.2023, against petitioners, as contained in Annexure No.1 and 2 to this Petition."

From the relief, quoted above, it is apparent that the order dated 08.12.2023 passed by Chief Judicial Magistrate, Sitapur in Misc. Criminal Case No. 1244 of 2022, whereby after due consideration the facts indicated in the Application filed under Section 156(3) Cr.P.C. preferred by opposite party no.2, the concerned Magistrate has directed the Police Authority to lodge the FIR and pursuant to the same an FIR No. 747 of 2023 dated 17.12.2023 under Section 419/420/467/468/471 IPC, Police Station Kotwali, Sitapur, has been lodged and both have been challenged by means of this application.

Taking note of the aforesaid as also the observations made by Full Bench of this Court passed in ***Criminal Revision No. 1640 of 2001 (Father Thomas Versus State of U.P. and Another)*** decided on 22.12.2010 and another judgment of Full Bench of this Court passed in the case of ***Jagannath Verma and Others Versus State of U.P. and Others*** decided on 23.09.2014, according to which accused cannot challenge the order passed on application preferred under Section 156(3) Cr.P.C., this Court is not inclined to entertain the present petition. It is accordingly dismissed. However, the applicant is at liberty to avail remedy provided under law including filing of petition under Article 226 of Constitution of India.

Order Date :- 22.12.2023

Jyoti/-