

Court No. - 13

Case :- APPLICATION U/S 482 No. - 9242 of 2024

Applicant :- Adarsh Singh @ Yuvraj Singh

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

Counsel for Applicant :- Mayankar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Counter affidavits filed by learned A.G.A. duly signed by Mr. Ashwani Kumar Pandey, Sub Inspector/Investigating Officer, Police Station- Police Line, District- Bahraich and Mr. Vinit Jaiswal, Superintendent of Police, Gonda are taken on record.

2. Heard.

3. The instant application has been filed for quashing the impugned charge-sheet dated 21.09.2020, under Sections 323 & 504 of I.P.C., Police Station- Umribegumganj, District- Gonda and impugned summoning order dated 10.02.2021 issued by learned Judicial Magistrate-II, District- Gonda as well as to quash the entire proceedings of Case No.518/2021 "*State of U.P. Vs. Adarsh Singh @Yuvraj Singh & Others*" arising out of Non-Cognizable Offence (N.C.R) No.132/2020, under Sections 323 & 504 of I.P.C., Police Station- Umribegumganj, District- Gonda.

4. Learned counsel for the applicant submits that on the basis of incorrect facts, the F.I.R. in question was lodged. After detailed investigation, the Investigating Officer came to the conclusion that the applicant was involved in the said incident. At the time of the said incident, the applicant was minor. He further submits that charge-sheet was submitted for the offense under Sections 323, 504 I.P.C. Thereafter, further investigation was conducted by the Investigating Officer who then came to the conclusion that no offense is made out against the applicant. He also submits that first police report submitted by the Investigating Officer forwarded to the Court concerned without considering the final police report, supplementary case diary dated 19.10.2020 as well as age of the applicant, hence, indulgence of this Court is required.

5. Sri Rao Narendra Singh, learned A.G.A. submits that this fact is admitted that the charge-sheet was wrongly submitted despite

the evident fact that no evidence was found against the applicant who was minor.

6. Considering the submission of learned counsel for the parties and going through the contents of the application, aforesaid affidavits filed today as well as other relevant documents, it is evident that the fault has been admitted by the officials that after investigation, no material was found against the applicant who was minor. But, inadvertently first report was sent to the Court concerned. It is also evident that after final investigation, no evidence was found against the applicant, even then, police report was submitted to the Court concerned without considering the age of the applicant. Therefore, this Court is of the view that entire report submitted by the police and the proceedings arise on the basis of that report are illegal.

7. In view of above, this application is **allowed**. The impugned charge-sheet dated 21.09.2020, under Sections 323 & 504 of I.P.C., Police Station- Umribegumganj, District- Gonda as well as impugned summoning order dated 10.02.2021 issued by learned Judicial Magistrate-II, District- Gonda and the entire proceedings of Case No.518/2021 "*State of U.P. Vs. Adarsh Singh @Yuvraj Singh & Others*" arising out of Non-Cognizable Offence (N.C.R) No.132/2020, under Sections 323 & 504 of I.P.C., Police Station- Umribegumganaj, District- Gonda are hereby **quashed**.

Order Date :- 18.12.2024

Arpan