



2025:JHC-1 K0:89714

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

APPLICATION U/S 482 No. - 10367 of 2025

Haddish And 4 Others

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko And
Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Dhananjay Tripathi, Ashish Gautam,
Avneesh Singh

Counsel for Opposite Party(s) : G.A.

Court No. - 16

HON'BLE BRIJ RAJ SINGH, J.

1. Heard learned counsel for the applicants, Sri S.P. Tiwari, learned AGA for the State and perused the record.

2. In view of the order proposed to be passed, issuance of notice to opposite party no.2 is dispensed with.

3. Present application has been with the following main relief:

"It is, therefore, most respectfully prayed that this Hon'ble Court be pleased to quash the Charge made on dated 12.05.2025 as well as entire proceedings Session Trial No.1086 of 2023; State Vs Shikander and Another, registered as F.I.R No.285 of 2021, under sections 34, 323, 325, 504, 506 & 308 IPC which is pending in the Court of Additional Session Judge/ FTC II , Sultanpur (which is annexed as Annexure No. 2 & 3 to the Petition)"

4. Learned counsel for the applicants have challenged the charge framing order dated 12.5.2025 and has submitted that according to the X-ray report of the injured Mohd. Ameen, only one fracture is found on the right hand which is not on vital part of the body and there is no external injury seen at the time of medical examination, which means that the injuries are not serious. He has further submitted that the applicants have been falsely implicated and the charges framed under Sections 323/34, 325/34, 504/34,

506/34 and 308/34 IPC are not liable to be framed. He has submitted that it is a cross case between the parties, but the said fact has not been considered by the trial court and the charges have been framed without application of mind.

5. I have gone through the record as well as the charges framed by the trial court. The fact remains that maar-peet took place and the allegation is levelled to the extent that the accused have assaulted with stick due to which, injuries have been received by Mohd. Ameen. At the time of framing of charge, the court cannot do mini trial for which certainly, the evidence are to be adduced on record. The only method before the court is to put the case for trial and while framing the charge, the court has to see whether, prima facie, charges are made out or not. After going through the record, the court below has found that the charges under Sections 323/34, 325/34, 504/34, 506/34 and 308/34 IPC are made out against the applicants. The medical report has also been considered. The applicants will have ample opportunity to lead evidence. At this juncture, no finding can be given.

6. The application is devoid of merit. It is accordingly ***dismissed***.

(Brij Raj Singh,J.)

December 16, 2025

Sachin