
(2012) 01 AHC CK 0578
In the Allahabad High Court
Case No : Application No. 42088 of 2011

Salman and Another	Vs	APPELLANT
State of U.P. and Another		RESPONDENT

Date of Decision : 11-01-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 156(3), 482
Penal Code, 1860 (IPC) — Section 308, 323, 324, 325, 352

Citation : (2012) 01 AHC CK 0578

Hon'ble Judges : Arvind Kumar Tripathi, J

Bench : Single Bench

Final Decision : Disposed Of

Judgement

Hon"ble Arvind Kumar Tripathi, J.—Heard learned counsel for the applicants, learned AGA for the State and perused the record.

2. This Crl. Misc. application u/s 482 Cr.P.C. has been filed with a prayer for quashing the impugned charge sheet dated 15.02.2011 as well as entire proceeding of Case No. 2575 of 2011 (State Vs. Salaman and another), Case Crime No. 1069A of 2010, under sections 352, 324, 506, 323, 325 and 308 IPC, P.S.Mubarakpur, District Azamgarh, pending in the Court of C.J.M., Azamgarh.

3. Learned counsel for the applicants submitted that since FIR was lodged from the side of applicants on 18.09.2010 regarding incident occurred on 7.09.2010 in which the father of the applicant succumbed to the injuries in the way to Hospital. Subsequently, in counterblast a complaint u/s 156(3) Cr.P.C. FIR was lodged from the side of opposite party on 18.11.2010, hence charge sheet as well as entire proceeding is liable to be quashed.

4. Learned AGA opposed the aforesaid prayer and submitted that it is cross case of the same incident. Since FIR could not be registered, hence application was move u/s 156(3) Cr.P.C. Both the parties have received injuries, hence it is not a case for quashing charge sheet as well as entire proceeding.

5. Considering the facts and circumstances of the case, since prima facie commission of offence is disclosed, hence no interference is required in the impugned charge sheet as well as proceeding u/s 482 Cr.P.C. However, if the applicants will appear and move bail application within 3 weeks from today, the same will be considered and disposed off expeditiously, in accordance with law, in view of guide lines by Full Bench decision of High Court in case of Amarawati and another Vs. State of U.P., reported in 2004(57) ALR-390 and by the Apex Court in Lal Kamendra Pratap Singh Vs. State of U.P. and Others, .

6. With these observations, application filed u/s 482 Cr.P.C. is disposed off finally.