

Court No. - 75

Case :- APPLICATION U/S 482 No. - 31451 of 2024

Applicant :- Bhuri Singh

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Lavesh Sharma,Ravindra Sharma

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Pachori,J.

Heard Shri Lavesh Sharma, learned counsel for the applicant and Shri Karunakar Singh, learned A.G.A. for the State.

The present 482 Cr.P.C. application has been filed to quash the entire proceedings of Case No. 352 of 2020 (State vs. Bhuri Singh), arising out of Case Crime No. 22 of 2019, under Sections 286, 290, 308 IPC, P.S. Pindoura, District Agra as well as cognizance/summoning order dated 22.10.2022, pending in the Court of Additional Chief Judicial Magistrate, Court No. XI, Agra.

Learned counsel for the applicant submits that the impugned F.I.R. dated 07.05.2019 has been lodged on the basis of false and frivolous allegations with ulterior motive and only to harass the present applicant. It is further submitted that as per allegation of the FIR, due to his own negligence present applicant sustained injuries by his own fire shot of his country made pistol. It is further submitted that no essential ingredient for the offence punishable under Section 308 IPC is made out against the applicant.

Prima facie, matter requires consideration.

Notice on behalf of opposite party no. 1 has been been accepted by the learned A.G.A. for the State.

Issue notice to private opposite party no. 2 through C.J.M. concerned returnable at an early date

Learned A.G.A. as well as opposite party no. 2 may file their counter affidavits within two weeks. Rejoinder affidavit may be filed within one week thereafter.

List after eight weeks.

Until further orders of this Court, further proceedings of aforesaid case shall remain stayed against the applicant.

Order Date :- 9.1.2025

MAA/-