

**Court No. - 85**

**Case :-** APPLICATION U/S 482 No. - 21360 of 2022

**Applicant :-** Sohan Lal@ Sohan Pal And 3 Othres

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

**Counsel for Applicant :-** Rajesh Kumar Yadav

**Counsel for Opposite Party :-** G.A., Mayank Yadav, Vivek Kumar Singh

**Hon'ble Gautam Chowdhary, J.**

Heard learned counsel for the applicants, Sri Mayank Yadav, learned counsel for the opposite party no.2, learned A.G.A. for the State and perused the material on record.

This application under Section 482 Cr.P.C. has been filed for quashing the proceedings of Case No. 363 of 2022 arising out of Case Crime No. 620 of 2021(State Vs. Sohan Lal and another) under Sections 323, 324, 504, 308 I.P.C. Police Station Gunnour, District Sambhal pending in the Court of Judge Sambhal, District Sambhal.

Learned counsel for the applicants submits that no offence Section 308 I.P.C. is made out against the applicants. He further submits that apart from aforesaid, furthermore no offence against the applicants is disclosed and the present prosecution has been instituted with a malafide intention for the purpose of causing harassment. He pointed out certain documents and statements in support of his contention.

From the perusal of the material on record and looking into the facts of the case at this stage it cannot be said that no offence is made out against the applicants at this stage. All the submissions made at the bar, relate to the disputed questions of fact, which cannot be adjudicated upon by this Court under Section 482 Cr.P.C. At this stage only prima facie case is to be seen in the light of the law laid down by Supreme Court in cases of *R.P. Kapur Vs. State of Punjab, A.I.R. 1960 S.C. 866*, *State of Haryana Vs. Bhajan Lal, 1992 SCC (Cr.) 426*, *State of Bihar Vs. P.P.Sharma, 1992 SCC (Cr.) 192* and lastly *Zandu Pharmaceutical Works Ltd. Vs. Mohd. Saraful Haq and another (Para-10) 2005 SCC (Cr.) 283*. The disputed defence of the accused cannot be considered at this stage.

The reliefs as sought by the applicants is refused.

The application lacks merit and is dismissed.

**Order Date :-** 30.8.2022

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