



**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

BEFORE

HON'BLE SHRI JUSTICE G. S. AHLUWALIA

ON THE 7th OF APRIL, 2025

MISC. CRIMINAL CASE No. 11473 of 2024

BRIJESH @ BALLU PARIHAR

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Harshvardhan Sharma – Advocate for applicant.

Shri Mohit Shivhare – Public Prosecutor for respondent No.1/State.

None present for respondent No.2, though served.

ORDER

This application, under Section 482 of Cr.P.C., has been filed for quashment of FIR in Crime No.526/2019 registered at Police Station Madhoganj, District Gwalior (M.P.) for the offence punishable under Sections 376, 294, 506 IPC.

2. Applicant has filed the copies of order-sheets of the Trial Court, according to which it is clear that charges were framed under Sections 376(2) (n), 506 (Part II), 313 (two counts) and 504 IPC, by order dated 15.09.2021.

3. It is not known as to whether applicant had filed a criminal revision against the said order or not and if not, then why he has not availed the statutory



remedy. Applicant has also filed a copy of order-sheet dated 22.12.2023 from which it appears that prosecutrix has not been examined so far.

4. This application, under Section 482 of Cr.P.C., was filed on 13.03.2024. Since applicant has an alternative remedy of challenging the order framing charges and in absence of any good material to bypass the said alternative remedy this Court does not find it to be a fit case for entertaining this application under Section 482 of Cr.P.C. by ignoring the alternative remedy which is available to applicant. Even otherwise, in the application, it is nowhere mentioned that whether applicant had filed any revision against the order dated 15.09.2021 or not.

5. Accordingly, with liberty to applicant to assail the order dated 15.09.2021, this application is *dismissed*. However, it is made clear that liberty granted by this Court shall not be construed as a deemed condonation of delay in filing criminal revision.

(G. S. AHLUWALIA)
JUDGE