

Court No. - 64

Case :- APPLICATION U/S 482 No. - 9890 of 2022

Applicant :- Hari Om And 2 Others

Opposite Party :- State Of U.P.And Another

Counsel for Applicant :- Jay Babu Kesharwani

Counsel for Opposite Party :- G.A.,Suresh Singh

Hon'ble Arvind Kumar Mishra-I,J.

Heard learned counsel for the applicants, learned A.G.A. for the State and perused the record.

By way of the instant application, the applicant has sought quashment of the entire criminal proceedings in pursuance of the order dated 30.6.2020 passed by Additional District Judge, SC/ST Act, Kaushambi in Case Crime No. 630 of 2015 under Sections 323, 504, 506, 352, 427, 307 I.P.C. and 3 (1) X S.C./S.T. Act, Police Station Kokhraj, District Kaushambi.

The claim of the applicants is confined to the ambit that insofar as the genesis of the problem is concerned, there existed some dispute between the two groups, i.e., the applicants and the group of one Suryapal Yadav and the informant of this case happens to be the servant of Suryapal. That being so, it worth mentioning that previously an F.I.R. has been lodged by the applicants' side against Suryapal under whom the informant of this case was working as servant. Now it so happened that when dispute aggravated between the applicant and Suryapal then Suryapal devised method by introducing his servant, who belonged to the scheduled caste community took advantage of the same and got a concocted F.I.R. lodged. The matter was investigated twice and final reports were submitted twice, however, the Special Court without heeding to the background of the case and without application of judicial mind straightway rejected the final report, took cognizance of the case and summoned the applicant.

Apart from that the applicants have brought to the notice of the Court peculiar facts and claimed that the F.I.R. in question and the summoning order is nothing but sheer misuse of the process of law, hence the same are liable to be quashed.

Learned counsel for the opposite party no. 2 vehemently opposed the prayer for quashment, however, he has not denied the fact of the informant being under employment of Suryapal as his servant.

That being the situation, contention raised by the applicants carries substance, a good ground is made out for interference of this Court and the matter is to be decided after receiving response from opposite parties.

Let opposite parties may file counter affidavit within a period of four weeks. Rejoinder affidavit, if any, may be filed within two weeks thereafter.

List on 20th September, 2022.

Till the next date of listing, no coercive action shall be taken against the applicants in pursuance of the aforesaid case.

Order Date :- 12.7.2022

Shiraz