

Court No. - 82

Case :- CRIMINAL REVISION No. - 1207 of 2025

Revisionist :- Varsha And 4 Others

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

Counsel for Revisionist :- Ajay Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Manjive Shukla,J.

1. Heard learned counsel appearing for the revisionists and learned Additional Government Advocate appearing for the State.

2. The instant criminal revision has been filed challenging therein, the order dated 7.2.2025 passed by the learned Judicial Magistrate, Fatehabad, Agra in Complaint Case No.1209/2022 whereby, the application filed by the revisionists under Section 245(2) Cr.P.C. had been rejected.

3. It has been contended on behalf of the revisionists that the complainant, in his statement recorded under Section 200 Cr.P.C., had stated that the revisionists have caused fracture in his foot but no medical report has been placed on record. It has further been contended that it is admitted case of the parties that the revisionists are residing in the house of the complainant and therefore, by no stretch of imagination, the offence punishable under Section 452 I.P.C. is made out.

4. Learned counsel appearing for the revisionists has argued that the complainant has filed this complaint case only to pressurize the revisionists, as one criminal case had already been lodged by them against the complainant. It has also been argued that entire family of the revisionists had been implicated by the complainant.

5. I have considered the arguments advanced by the learned counsel appearing for the revisionists and prima facie, it appears to the Court that without there being any medical report, in respect of the fracture caused to the complainant, the proceedings of the Complaint Case No.1209/2022 are continuing. This Court further finds that once in the complaint it had been stated that the revisionists are residing in the same house in which the complainant is residing, the offence punishable under Section 452 I.P.C. is not made out.

6. Matter requires consideration.

7. Issue notice to Opposite Party No.2 returnable within four weeks.

8. List this matter on 17.4.2025 as fresh, in top ten cases.

9. Till the next date of listing, the further proceedings of the Complaint Case No.1209/2022 (Omveer Vs. Varsha and others), pending in the court of learned Judicial Magistrate, Fatehabad, Agra, shall remain stayed.

Order Date :- 19.3.2025

Salim