

Court No. - 49

Case :- APPLICATION U/S 528 BNSS No. - 14908 of 2025

Applicant :- Arun Kumar Pal And Another

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

Counsel for Applicant :- Krishna Kumar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

1. Heard learned counsel for the applicants and learned A.G.A. for the State.
2. The present 482 Cr.P.C. application has been filed to quash the cognizance order dated 13.09.2024 as well as the entire proceedings of Criminal Case No. 88389 of 2024 (State Vs. Arun Kumar Pal and another), arising out of case crime no. 0223 of 2023, under Sections 323, 504, 506 I.P.C., P.S. Gujaini, District Kanpur Nagar, pending in the court of Additional Civil Judge (S.D.)-5, Kanpur Nagar.
3. Learned counsel for the applicants submitted that applicants are innocent and have been falsely implicated in the present case. The instant complaint lodged with malice intention and only to harass the applicants. Applicants and opposite party no. 2 are closed relatives and a civil suit no. 1206 of 2023 is pending between the mother of the informant and applicant no. 1. No offence under the alleged sections is made out. Summoning order passed by learned Magistrate is without application of judicial mind and is abuse of process of law. He therefore submits, no prosecution could proceed against the applicants, in such circumstances.
4. Matter requires consideration.
5. Notice on behalf of opposite party no. 1 has been accepted by learned A.G.A.
6. Issue notice to opposite party no.2 returnable at an early date.
7. Opposite parties may file their counter affidavits within six weeks. Rejoinder affidavit may be filed within two weeks thereafter.
8. List thereafter.

9. Till the next date of listing, further proceedings against the applicants in Criminal Case No. 88389 of 2024, arising out of case crime no. 0223 of 2023, under Sections 323, 504, 506 I.P.C., P.S. Gujaini, District Kanpur Nagar, pending in the court of Additional Civil Judge (S.D.)-5, Kanpur Nagar., shall remain stayed.

Order Date :- 3.6.2025

PS