



2026:AHC:104045

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 482 No. - 14605 of 2024

Mahaveer

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Fareed Uddin
Counsel for Opposite Party(s)	:	G.A., Manvendra Singh

Court No. - 81

HON'BLE HARVIR SINGH, J.

1. Heard learned counsel for the parties and perused the material available on record.
2. The instant application under Section 482 of Code of Criminal Procedure, 1973 has been preferred seeking quashing of the entire proceedings of Complaint Case No.17874 of 2023, (Om Prakash vs. Mahaveer), under Sections 323, 427, 452 and 506 of Indian Penal Code, 1860, Police Station Ghazipur, District Fatehpur as well as summoning order dated 16.10.2023 passed by learned Additional Civil Judge (Junior Division)/ Judicial Magistrate, Court No.2, Fatehpur.
3. Learned counsel for the applicant submits that, entire prosecution story is concocted and without any evidence and the facts narrated in the complaint are totally false and baseless. There are variations in the statements of the complainant recorded under Section 200 of Code of Criminal Procedure, 1973 and other witnesses PW-1 and PW-2. Learned counsel for the applicant further submits that, the applicant has been falsely implicated in the said complaint and the impugned summoning order dated 16.10.2023 is illegal, arbitrary and liable to be quashed and set aside.
4. Learned counsel appearing on behalf of opposite party No.2 has opposed the instant application on the ground that, the alleged incident has been supported by the complainant and other two witnesses and the accused-applicant has also been enlarged on bail by the concerned trial Court, therefore, the present application moved under Section 482 of Code of Criminal Procedure, 1973 is not maintainable and the same is liable to be

dismissed.

5. Having considered the rival contentions of the parties and having perused the record, it is evident that, the alleged incident is stated to have taken place in the presence of the daughter of the complainant and another witness, namely, Shiv Singh. It has been alleged by complainant that, the accused-applicant Mahaveer has physically assaulted the complainant's side and on hearing hue and cry, the daughter of the complainant also arrived at the spot, but the complainant himself, while getting his statement recorded under Section 200 of Code of Criminal Procedure, 1973, did not mention the name of another witness, namely, Shiv Singh. However, the another witness Shiv Singh has stated that, he arrived first on the spot and the daughter of the complainant arrived later, wherein the daughter of the complainant stated that, she arrived on the spot first and thereafter, the said Shiv Singh arrived, therefore, there is a variation and contradiction in the statements of two witnesses PW- 1 and PW- 2. Under such circumstances, the events and facts, as stated in the complaint and the corroboration of PWs, the occurrence of alleged incident is not substantiated or supported by the evidence, as has been narrated in the complaint. Hence, the instant application under Section 482 of Code of Criminal Procedure, 1973 is liable to be allowed.

6. Accordingly, the instant application under Section 482 of Code of Criminal Procedure, 1973 stands **allowed** and proceedings in question are hereby quashed and set aside.

May 6, 2026
Gurpreet Singh

(Harvir Singh,J.)