

Court No. - 74

Case :- APPLICATION U/S 528 BNSS No. - 19043 of 2025

Applicant :- Shiv Kumar And 2 Others

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

Counsel for Applicant :- Kapil Dev Dubey,Pratikdhar
Dwivedi,Rahul Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Pachori,J.

Sri Rahul Kumar Shukla, learned counsel for the applicants and Ms. Ladly Pandey, learned A.G.A. for the State are present.

The present application u/s 528 BNSS has been filed with a prayer to set aside the order dated 11.2.2025 passed by Additional Sessions Judge (FTC), Room No.1, Bulandshahr, in Criminal Revision No. 444 of 2023, whereby the revisional court affirmed the order dated 24.7.2023 passed by Additional Civil Judge / Judicial Magistrate, Court No. 10, Bulandshahr, in Complaint Case No.71 of 2023, (Dharam Pal Singh v. Shiv Kumar and Others), whereby the learned Magistrate took cognizance under Section 323 and 506 of IPC.

Learned counsel for the applicants submitted that impugned orders have been passed without considering the facts and circumstances as well as position of law. It is further submitted that private opposite party no.2-complainant is brother-in-law of the applicants. It is further submitted that as per the allegations of complaint, there is no medical examination report to substantiate the allegations of the complaint. It is further submitted that the present complaint has been filed after three days of the incident after sending a complaint by registered post dated 18.10.2022 to the Senior Police Officials. It is further submitted that impugned complaint has been filed as a counter blast case of Case Crime No. 489 of 2022, which was registered on 6.9.2022 as well as other matrimonial case (after about one month prior to the impugned complaint). It is further submitted that complainant converted a matrimonial dispute into a criminal case.

Prima facie, matter requires consideration.

Notice on behalf of respondent no. 1 has been accepted by learned A.G.A.

Issue notice to respondent no. 2 through C.J.M. concerned, returnable at an early date.

Learned A.G.A. as well as respondent no. 2 may file their counter affidavits within three weeks.

Rejoinder affidavit may thereafter be filed within one week.

Connect with Application U/S 528 BNSS No. 18661 of 2025 and list this case after eight weeks.

Until further orders, further proceedings of aforesaid case shall remain stayed against the applicants.

Order Date :- 1.7.2025

Akram