

Court No. - 73

Case :- APPLICATION U/S 482 No. - 25625 of 2024

Applicant :- Sumit Agarwal And 2 Others

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

Counsel for Applicant :- Suresh Singh

Counsel for Opposite Party :- G.A.,Gaurav Sisodia

Hon'ble Raj Beer Singh,J.

1. Heard learned counsel for the applicants, learned counsel for the opposite party no.2 and learned AGA for the State.
2. This application under Section 482 Cr.P.C. has been preferred against summoning order dated 16.12.2022, passed by C.J.M., Bareilly, in Complaint Case No.3328 of 2018 (Mahaveer Prasad Gupta Vs. Sumit Agarwal and others), under Sections 406, 323, 504, 506 IPC, Police Station- Fatehganj Purvi, District- Bareilly.
3. It has been submitted by learned counsel for the applicants that applicants are innocent and no prima-facie case is made out against them. The applicants have already supplied fertilizer against the payments made by the opposite party no.2 and even if there is dispute, the same is civil in nature. It was submitted that the applicant no.2 has lodged a first information report on 13.12.2017 against opposite party no.2 and others and thereafter impugned complaint has been lodged as a counterblast. Referring to facts of the matter, it was submitted that no prima-facie case is made out against the applicants.
4. Learned counsel for the opposite party no.2 has vehemently opposed the application and submitted that in view of allegations made in the complaint and material on record, a prima-facie case is made out. The invoice relied on behalf of applicants does not bear

signature of the complainant. It was submitted that the applicants have misappropriated an amount of Rs.2,95,000/- belonging to the complainant.

5. Matter requires consideration.

6. Opposite party no.2 may file counter affidavit within four weeks.

7. List this case on 23.04.2025.

8. It is directed that till the next date of listing, no coercive action shall be taken against the applicants in aforesaid case.

Order Date :- 18.2.2025

'SP'/-