

Court No. - 74

Case :- APPLICATION U/S 528 BNSS No. - 25447 of 2025

Applicant :- Lallu Ram And Another

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

Counsel for Applicant :- Sushil Kumar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Pachori,J.

Heard Shri Sushil Kumar Pandey, learned counsel for the applicants and Shri Karunakar Singh, learned A.G.A. for the State.

The present application under Section 528 of Bhartiya Nagrik Suraksha Sanhita, 2023 has been filed to quash the entire proceedings of complaint case No. 3243 of 2020 as well as cognizance/summoning order dated 1.11.2021, whereby learned magistrate took cognizance under Sections 323, 354, 452, 504, 506, I.P.C., Police Station Magorra, District Mathura, pending in the court of Civil Judge (Junior Division)/F.T.C./Judicial Magistrate, Mathura.

Learned counsel for the applicants submits that the complaint dated 3.12.2018 has been filed on the basis of false and frivolous allegations with ulterior motive and only to harass the present applicants. It is further submitted that both the parties are family members of common ancestor. It is further submitted that there is no medical examination report to substantiate the allegation of complaint. It is further submitted that a civil suit being Original Suit No. 230 of 2018, Pappe (father-in-law of Private-Opposite Party No. 2) Vs. Lallu and others for a decree of cancellation of adoption deed dated 27.9.2017 is pending between the parties. It is further submitted that the complainant converted the civil dispute into a criminal case.

Prima facie, matter requires consideration.

Learned A.G.A. has accepted notice on behalf of opposite party No. 1.

Issue notice to opposite party no.2 returnable at an early date.

Opposite party no. 2 may file counter affidavit within three weeks. Rejoinder affidavit may be filed within one week thereafter.

List after eight weeks.

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

Order Date :- 28.7.2025

T. Sinha