

HIGH COURT OF JUDICATURE AT ALLAHABAD

(SN.18)

Court No. - 78

Case :- APPLICATION U/S 482 No. - 24458 of 2024

Applicant :- Babu Lal And 2 Others

Opposite Party :- State Of U.P. And Another

Counsel for Applicant :- Amit Kumar Malviya,Rishi Kesh Malviya

Counsel for Opposite Party :- Aditya Upadhyay,Ambrish Pandey,G.A.

Hon'ble Anish Kumar Gupta,J.

1. Heard Shri Brij Bhushan holding brief of Shri Amit Kumar Malviya, learned counsel for the applicant, Shri Ambrish Pandey, learned counsel for the opposite party no. 2 and Shri S.K. Ojha, learned A.G.A. for the State.

2. The instant application under section 482 Cr.P.C. has been filed seeking quashing of the entire proceedings of Complaint Case No. 26 of 2016 (Ramveer Singh Vs. Babu Lal and others) under Section 392, 323 IPC police station Jalesar District Etah as well as the summoning order dated 16.3.2024 passed by the Special Judge (DAA) Etah.

3. On 31.8.2024 this Court has passed the following order:

"1. Heard learned counsel for the applicants and learned A.G.A. for the State.

2. The instant application has been preferred with the prayer to quash the impugned summoning order dated 16.3.2024 passed by Special Judge (D.A.A.) Etah and the entire proceedings of Complaint Case No.26 of 2016 titled as Ramveer Singh v. Babu Lal and others, under sections 392, 323 IPC, Police Station Jalesar, District Etah.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in the instant case due to ulterior motive; the applicant no.1 is the tenant of opposite party no.2 and runs a shop thereon. In essence, on 1.5.2015 at about 08:00 p.m., the opposite party no.2 along with his sons broken the lock of the applicant no.1's shop and stolen 20 batteries, 7 inverters and cash of Rs.61,000/-, and in this regard the applicant no.1 lodged an FIR against opposite party no.2 and his sons, which was registered as Case Crime No.225 of 2015, under sections 457, 380, 411 IPC, Police Station Jalesar, District Etawah. Aggrieved by lodging of the FIR, the opposite party no.2 filed the present complaint by way of application u/s 156(3) Cr.P.C. against the applicants as a counterblast.

4. Matter requires consideration.

5. Issue notice to the opposite party no.2 to file a response to the instant application, on or before the next date of hearing.

6. Steps may be taken within a week.

7. Put up as fresh on 3.2.2025.

8. The matter shall not be treated as tied up or part heard to this Bench."

4. Pursuant to the said order a counter affidavit has been filed on behalf of the opposite party no. 2. Learned counsel for the applicant states that he does not want to file the rejoinder affidavit and he is ready to argue the case. However, learned counsel for the opposite party no. 2 seeks adjournment.

5. In view of the above, the matter is adjourned for today.

6. List this matter on **3.9.2025** in the daily cause list before the appropriate Bench.

7. For the reasons assigned in the earlier order of this Court dated 31.8.2024, till the next date of listing no coercive steps shall be taken against the applicants pursuant to Complaint Case No. 26 of 2016 (Ramveer Singh Vs. Babu Lal and others) under Section 392, 323 IPC police station Jalesar District Etah as well as the summoning order dated 16.3.2024 passed by the Special Judge (DAA) Etah.

Order Date :- 22.7.2025

o.k.

(Anish Kumar Gupta,J.)