

Court No. - 73

Case :- APPLICATION U/S 482 No. - 24643 of 2024

Applicant :- Jitendra Kumar Gupta

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

Counsel for Applicant :- Ram Chandra Solanki, Varsha Soni

Counsel for Opposite Party :- Akhil Kumar Shukla, G.A.

Hon'ble Raj Beer Singh, J.

1. Supplementary affidavit filed by learned counsel for the applicant is taken on record.
2. Heard learned counsel for the applicant and learned AGA for the State. None has appeared on behalf of opposite party no.2 despite service of notice.
3. This application under Section 482 Cr.P.C. has been preferred for quashing of the entire proceedings, including summoning order dated 26.07.2023, of Complaint Case No.326 of 2015 (Amit Kumar Vs. Jitendra Kumar Gupta and others), under Sections 452, 323, 504, 506 IPC, Police Station- Chhibramau, District- Kannauj, pending before the Court of Additional Civil Judge (J.D.)/Judicial Magistrate, Chhibramau, Kannauj.
4. It has been submitted by learned counsel for the applicant that there was dispute between the parties over property and the same is civil in nature. Earlier, the opposite party no.2 has filed an application under Section 156(3) Cr.P.C. against applicant and others and that application was dismissed by the learned Magistrate vide order dated 12.05.2015. The revision against that order was also dismissed. Learned counsel submitted that applicant has made some improvements in the same story and filed the impugned complaint on 07.08.2015. Referring to statement of

complainant and of witnesses, it was submitted that no prima-facie case is made out against the applicant.

5. Matter requires consideration.

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

7. List this case on 14.05.2025.

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

Order Date :- 18.2.2025

'SP'/-