

**Court No. - 82**

**Case :-** APPLICATION U/S 482 No. - 25501 of 2024

**Applicant :-** Priyanka Devi And 4 Others

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

**Counsel for Applicant :-** Raj Kumar Sharma, Sunil Kumar

**Counsel for Opposite Party :-** G.A.

**Hon'ble Subhash Chandra Sharma, J.**

Heard learned counsel for the applicants as well as learned A.G.A. for the State and perused the material on record.

This application has been filed with a prayer to allow this application and quash the entire proceeding as well as summoning order dated 30.05.2024 passed by and pending before the court of Additional District and Sessions Judge, Court No. 3/ Special Judge (Dacoity Affected Area), Kanpur Dehat in Session Case No. 30 of 2024 (Aniruddh Kumar Singh Vs. Mayank Pratap Singh and others) for the offence under Section 392 I.P.C., Police Station Rura, District Kanpur Dehat and also further prayed to stay the further proceeding in the aforesaid case.

It is submitted by learned counsel for the applicants that in this case there was matrimonial dispute between the opposite party no. 2 and applicant no. 1 regarding which a case under Section 498A I.P.C. was filed by the applicant no. 1 against the opposite party no. 2. In counterblast present complaint has been filed with false allegation of robbery. There is no any material on record to support the allegation of robbery even though the learned trial court summoned the applicants for trial under Section 392 I.P.C., therefore, request to quash the entire proceedings of the case.

Learned A.G.A. opposed the prayer as aforesaid.

On considering the submissions made by learned counsel for the applicants as well as learned A.G.A., perusal of record, it appears that present case is related to matrimonial dispute between the opposite party no. 2 and applicant no. 1 both are husband and wife, therefore, this Court is of the view that this matter requires consideration.

Let notice be issued to opposite party no. 2 returnable within a

period of four weeks.

In the mean time, learned counsel for the opposite party may file counter affidavit within a period of four weeks, if any and rejoinder affidavit, if any may be filed within one week thereafter.

List on 30.09.2024 for hearing before the appropriate Bench.

This case shall not treated as tied up or part heard to this Bench.

In the mean time no coercive action shall be taken against the applicants.

**Order Date :- 31.8.2024**

Suraj Srivastav