

Court No. - 75

Case :- APPLICATION U/S 482 No. - 27585 of 2024

Applicant :- Rajesh Kumar Alias Rajesh Kumar Yadav And Another

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

Counsel for Applicant :- Awadh Bihari Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Manju Rani Chauhan,J.

List revised.

Heard Mr. Awadh Bihari Pandey, learned counsel for the applicants and Mr. Mayank Awasthi, learned counsel for the State.

The present 482 Cr.P.C. application has been filed to quash the summoning order dated 04.12.2023 as well as the entire proceedings of Complaint Case No.2200 of 2021 (Vikas Yadav vs. Kiran Yadav and others), under Section 323 IPC, Police Station-Babupurwa, District-Kanpur Nagar, pending before the court of Metropolitan Magistrate, Room No.9, Kanpur Nagar.

Learned counsel for the applicants submits that the present case has been lodged with false and frivolous allegations due to ulterior motive as sister-in-law of the applicants, who is wife of opposite party no.2, has lodged case against the opposite party no.2 and his family members due to some matrimonial dispute. Thus, as a counterblast and to wreak vengeance, the present case has been filed to exert pressure upon the applicants. Learned counsel of the applicants, therefore, submits that no prosecution could lie against the applicants, in such circumstances.

Matter requires consideration.

Notice on behalf of opposite party no. 1 has been accepted by learned A.G.A.

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

List after three months before appropriate Bench.

In the meantime, all the opposite parties may file their counter affidavits. Rejoinder affidavit, if any, may also be filed.

Till the next date of listing, no coercive action shall be taken against the applicants herein in the aforesaid case.

The matter will not be treated as tied up or part heard to this Bench.

Order Date :- 26.9.2024

Jitendra/-