

Court No. - 78

Case :- APPLICATION U/S 482 No. - 28325 of 2024

Applicant :- Rani Singh

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

Counsel for Applicant :- Narendra Singh

Counsel for Opposite Party :- Anurag Singh,G.A.

Hon'ble Sanjay Kumar Pachori,J.

Heard Shri Nagendra Singh, learned counsel for the applicant, Sri Anurag Singh, learned counsel for the private opposite party no. 2 and Sri Tejbhan Singh, learned A.G.A. for the State.

The present 482 Cr.P.C. application has been filed to quash the entire proceedings of Complaint Case No. 142049 of 2023 (Jitendra Singh vs. Rani Singh), under Sections 406, 504 IPC, P.S. Kotwali, District Kanpur Nagar as well as cognizance/summoning order dated 24.01.2024, pending in the court of Metropolitan Magistrate, Court No. 3, Kanpur Nagar.

Learned counsel for the applicant submits that the complaint dated 22.09.2023 has been filed on the basis of false and frivolous allegations with ulterior motive and only to harass the present applicant. It is further submitted that as per allegation of complaint, two cases under Section 138 of Negotiable Instruments Act for the same subject of matter are pending between the parties. It is further submitted that the complainant has converted a civil dispute into a criminal case.

Prima facie, 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.

Opposite party no. 2 may file his counter affidavit within two 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 Complaint Case, shall remain stayed against the applicant.

Order Date :- 30.9.2024

MAA/-