

Court No. - 73

Case :- APPLICATION U/S 482 No. - 30010 of 2024

Applicant :- Satish Chandra Rastogi

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

Counsel for Applicant :- Kamal Kishor Mishra, Sharad Rastogi

Counsel for Opposite Party :- G.A.

Hon'ble Raj Beer Singh, J.

1. Supplementary affidavit filed today is taken on record.
2. Heard learned counsel for the applicant and learned A.G.A. for the State.
3. It has been submitted by learned counsel for the applicant that allegation made by complainant is that the applicant has entered into agreement to sell his land in the year 2004 but later on he did not execute the sale deed. Learned counsel submitted that said agreement was made in the year 2004 but the opposite party no.2/ complainant was not ready for execution of sale deed as per the agreement and thus, said land was sold by the applicant in the year 2019 to another person. The impugned complaint has been filed in the year 2022 making false allegations and dispute between the parties is purely civil in nature. Referring to facts of the matter, it was submitted that no prima facie case is made out against applicant.
4. Matter requires consideration.
5. Issue notice to opposite party no.2 returnable at an early date.
6. Opposite party no.2 may file counter affidavit within four weeks.
7. List on 20.05.2025.
8. It is directed that till the next date of listing, no coercive process shall be taken against applicant in Complaint Case No.38169 of 2022 (Braj Kishor Shukla Vs. Satish Chandra Rastogi and others), under Sections 406, 323 IPC, Police Station Kotwali, District Fatehpur, pending in the Court of Additional Chief Judicial Magistrate, Court No.3, Fatehpur.

Order Date :- 27.2.2025

RKM