

Court No. - 76

Case :- APPLICATION U/S 482 No. - 32161 of 2024

Applicant :- Smt Parvati Chaudhary And Another

Opposite Party :- State Of U.P. And Another

Counsel for Applicant :- Shailesh Singh Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Pathak,J.

1. It is submitted that opposite party no.2 (daughter-in-law of applicant no.1) has instituted false and malicious prosecution against her in-laws and other family members to wreak vengeance, inasmuch as she has been dispossessed from the house in question in pursuance of the order dated 28.09.2018 passed by Additional District Magistrate, Sadar, Kanpur Nagar in Case No. 40 of 2018 filed on behalf of applicant no.1 under Section 22 of Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The aforesaid order dated 28.09.2018 was implemented in pursuance of the order dated 04.07.2023 passed by this Court in Writ-C No. 17561 of 2023 (Parvati Devi Chaudhary Vs. State of U.P. and 5 Others). It is next submitted that opposite party no.2 is not residing in the house in question. After her dispossession from the house in question in pursuance of the order dated 08.09.2023, no case is made out against the applicants u/s 452 I.P.C. There is no medical report on the record to authenticate the veracity of inflicting injuries as averred in the complaint.

2. Matter requires consideration.

3. Opposite party no.1 is represented through learned A.G.A.

4. Let notice be issued to opposite party no.2, fixing **06.02.2025** as the date. In the meantime, both the parties shall exchange their respective affidavits, if any.

5. Till the next date of listing, no coercive action shall be taken against the present applicants in Complaint Case No. 105220 of 2021 (Saraswati Devi Vs. Jitendra alias Jeetu and Others) u/s 452, 323, 325, 506 I.P.C., Police Station- Chakeri, District- Kanpur Nagar.

Order Date :- 6.12.2024

Sumit K.