

Court No. - 87

Case :- APPLICATION U/S 482 No. - 39421 of 2024

Applicant :- Rajni Yadav And 27 Others

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

Counsel for Applicant :- Anil Kumar Pathak, Chandra Pratap Singh

Counsel for Opposite Party :- G.A.

Hon'ble Prashant Kumar, J.

1. Heard Sri Chandra Pratap Singh, learned counsel for the applicants, Sri S.D. Pandey, learned A.G.A., representing the State-O.P. no.1 and perused the record.

2. The present application under Section 482 Cr.P.C. has been filed by the applicant praying for quashing impugned order dated 22.02.2024 passed by Additional Civil Judge (J.D.), Court no.2, Kanpur Nagar in Complaint Case no.104237 of 2021 (Mohd. Islam Ansari vs. Rajani Yadav and others) whereby application under section 245 Cr.P.C. dated 21.10.2023 filed by the applicants has been rejected as well as the entire proceedings of the aforesaid case.

3. Learned counsel for the applicants submitted that applicant no.1 is landlord and O.P. no.2 claims himself to be the tenant. He submitted that O.P. no.2 has earlier filed a suit for injunction being Original Suit No.483 of 2021, which was rejected vide order dated 24.03.2022. Thereafter, O.P. no.2 filed an application under section 156(3) Cr.P.C. with false and frivolous allegations that the applicants had demolished some portion of his shop and they are trying to forcefully dispossess him from the shop in question. He submitted that the said application u/s156(3) filed by O.P. no.2 was treated as complaint case and the trial court has summoned the applicants vide order dated 30.04.2022, and subsequently, they were granted bail by the court below. He next contended that after recording of statement of the complainant and the witnesses u/s 200 and 202 Cr.P.C., the applicants moved an application u/s 245 Cr.P.C. for discharge, which has been rejected vide order dated 22.02.2024, which has been impugned in this application. He submitted that on perusal of entire evidence it is quite clear that no prima facie evidence is available against the applicants and as such, the court below has committed illegality in rejecting the application of the applicants for their discharge.

4. The matter requires consideration.

5. Issue notice to O.P. no.2, returnable at an early date. Steps be taken within a week.

6. The opposite parties are granted four weeks' time to file counter affidavit. Applicants will have two weeks thereafter to file rejoinder affidavit, if any.

7. List this matter on 08.07.2025.

8. Till the next date of listing, the entire proceedings of the aforesaid case shall remain stayed.

Order Date :- 25.4.2025

Manish Himwan