

Court No. - 73

Case :- APPLICATION U/S 482 No. - 39503 of 2024

Applicant :- Sanna Harta And Another

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

**Counsel for Applicant :- Mohnish Chandra,Pranvesh,Vineet
Pandey**

Counsel for Opposite Party :- G.A.

Hon'ble Raj Beer Singh,J.

1. Supplementary affidavit filed by learned counsel for the applicants is taken on record.
2. Heard learned counsel for the applicants and learned AGA for the State.
3. This application under Section 482 Cr.P.C. has been preferred for quashing of the entire proceedings, including summoning order dated 05.08.2024, of Complaint Case No.81 of 2024 (Kshitiz Arora Vs. Sardar Singh Harta and Another), under Sections 406, 506 IPC, Police Station- Beeta 2, District- Gautam Buddh Nagar, pending before the Court of IInd A.C.J.M., Gautam Buddh Nagar.
4. It has been submitted by learned counsel for the applicants that applicant no.1 is wife of opposite party no.2 but she was harassed by opposite party no.2 and his family members and in that regard the applicant no.1 has lodged a first information report on 01.09.2023 at Police Station Tilakmarg, Delhi against opposite party no.2 and his family members for offences under Sections 498A, 406 IPC. Thereafter, the opposite party no.2 has lodged impugned complaint on 03.01.2024 as a counterblast to the said case. It was pointed out that applicant no.1 is a resident of Delhi and applicant no.2 is resident of Himachal Pradesh, whereas the impugned complaint was filed before the Court at Gautam Buddh

Nagar and applicants were not residing within the territorial jurisdiction of the concerned Magistrate but applicants have been summoned without conducting any inquiry under Section 202 Cr.P.C. No witness has been examined under Section 202 Cr.P.C. Learned counsel has referred impugned summoning order and pointed out that merely the contents of complaint were reproduced in the order and applicants were summoned in a routine manner without applying any judicial mind. Statement of complainant recorded under Section 200 Cr.P.C. was referred and it was submitted that no case is made out and it appears that learned Magistrate has not cared to go through said statement. Referring to facts of the matter, it was submitted that no prima-facie case is made out against the applicants and impugned proceedings are malicious and counterblast, thus liable to be quashed.

5. Matter requires consideration.

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

7. Opposite party no.2 may file counter affidavit within four weeks.

8. List this case on 25.04.2025.

9. It is directed that till the next date of listing, further proceedings of aforesaid case shall remain stayed and no coercive action shall be taken against applicants.

Order Date :- 7.2.2025

'SP'/-