

Court No. - 87

Case :- APPLICATION U/S 482 No. - 40381 of 2024

Applicant :- Ramvilas And 3 Others

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

Counsel for Applicant :- Mahendra Singh

Counsel for Opposite Party :- G.A.

Hon'ble Prashant Kumar,J.

1. Heard Shri Mahendra Singh, appearing for the applicants, learned A.G.A. for the State and perused the records.
2. The instant application under Section 482 of Cr.P.C. has been filed by the applicants praying for quashing of the summoning order dated 17.10.2024 passed by the learned Additional Civil Judge (JD), 3rd, Banda, as well as entire proceeding of Complaint No. 403/IX/2024 (Shivdas vs. Ramvilas and others), under Sections 452, 504, 323, 506, 406 I.P.C., Police Station Girwan, District Banda.
3. The submission of learned counsel for the applicant is that applicant No. 1 had filed a complaint against the opposite party no. 2 and other family members on 08.04.2016, which was treated as complaint and after recording the statement under section 200 and 202 Cr.P.C., learned Magistrate issued summons against the opposite party no. 2 and their family members on 17.10.2020. Further submission is that in counterblast to the aforementioned case, present criminal complaint has been filed by the opposite party no. 2 on false and frivolous allegations, on account of money transaction, in which, learned Magistrate proceeded with the complaint and after taking evidence under sections 200 and 202 of the Cr.P.C. has passed the impugned order summoning applicants to face trial under section 452, 504, 323, 506, 406 I.P.C. His further submission is that the order passed by the learned Magistrate is a sheer abuse of the process of the law, as it has been passed without considering the fact that the complaint has been lodged by her husband in counterblast to the above said proceedings, therefore, the

entire proceedings relating to the complaint case be quashed.

4. Matter requires consideration.

5. Notice on behalf of the State has been accepted by learned A.G.A.

6. Issue notice to opposite party no. 2 returnable at an early date. Steps be taken within one week.

7. The opposite parties are granted four weeks' time to file counter affidavit and the applicant will have two weeks' thereafter to file rejoinder affidavit.

8. List on 08.07.2025.

9. Till then, the present Criminal Proceedings initiated against the applicant in the aforementioned case is kept in abeyance.

Order Date :- 25.4.2025

Bhanu