

Court No. - 75

Case :- APPLICATION U/S 482 No. - 40862 of 2024

Applicant :- Rajeev Kumar Pandey And 3 Others

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

Counsel for Applicant :- Ashish Kumar Pandey, Saurabh Chaturvedi

Counsel for Opposite Party :- G.A., Shiva Kant Dubey

Hon'ble Raj Beer Singh, J.

1. Heard Sri I.K. Chaturvedi and Sri Chhote Lal Pandey, learned Senior Advocates, assisted by Sri Saurabh Chaturvedi, learned counsel for the applicants and learned A.G.A. for the State. None has appeared on behalf of the opposite party no.2 despite taking the case in revised list.

2. It is submitted by learned Senior Advocates that sister of applicant no.1 and 2 is married with Shivakant Dubey and she was harassed by him and his family members and in that connection she has lodged a first information report under Sections - 498-A, 323, 504 I.P.C. and 3/4 D.P. Act against her husband and his family members and one case was lodged under Section - Domestic Violence Act. Before the instant case, the husband and father-in-law of sister of applicant no.1 and 2, has lodged two complaints against the applicants. The impugned complaint has been lodged by opposite party no.2 Ramakant @ Munna, who is brother of the husband of the sister of applicant no.1 and 2. It was pointed out that in the impugned summoning order dated 09.10.2019 a false observation has been made that the applicants are residents of the village of complainant. It was stated that applicants are residing in Allahabad and they have absolutely no knowledge about the impugned proceedings or summoning order and in the third week of November they came to know about the impugned case when

process under Section - 82 Cr.P.C. was issued against applicants. No notice or warrants have been served upon applicants. It was also pointed out that applicants were not residing within the territorial jurisdiction of the learned trial court but no inquiry under Section - 202 (1) Cr.P.C. has been conducted. Referring to facts of the matter, it was submitted that the impugned proceedings are malicious and counter blast and thus, liable to be quashed.

3. Learned A.G.A. has opposed the application and submitted that in view of allegations made in the complaint and material on record, a prima facie case is made out against applicants.

4. Matter requires consideration.

5. The opposite party no.2 may file counter affidavit within four weeks.

6. List this case on **04.02.2025**.

7. It is directed that till the next date of listing, no coercive action shall be taken against the applicants, namely, **Rajeev Kumar Pandey, Sanjiv Kumar Pandey, Ramadevi and Sanjay Kumar @ Sanjay Kumar Tripathi** in Complaint Case No. 3493 of 2018 (Ramakant @ Munna Vs. Rajeev Kumar Pandey and Others), under Sections - 323, 504, 506, 392 I.P.C., Police Station - Sarai Akil, District - Kaushambi, pending in the court of Chief Judicial Magistrate, Kaushambi.

Order Date :- 18.12.2024

S Rawat