

**Court No. - 87**

**Case :- APPLICATION U/S 482 No. - 44396 of 2024**

**Applicant :- Harikesh Singh And 2 Others**

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

**Counsel for Applicant :- Anoop Kumar**

**Counsel for Opposite Party :- G.A.**

**Hon'ble Prashant Kumar,J.**

1. Heard Mr. Anoop Kumar, the learned counsel for applicants and the learned A.G.A. for State-opposite party 1.

2. The instant application under Section 482 of Cr.P.C. has been filed by the applicants praying for quashing of the summoning order passed by the learned Judicial Magistrate-Ist, Ballia in Criminal Complaint Case No.769 of 2017, under Sections 147, 384, 506 IPC, Police Station Ubaon, District Ballia.

3. Learned counsel for applicants submits that applicants have no concern with the aforementioned dispute and has been falsely implicated in the instant matter. He further submits that there was a matrimonial dispute between the son of opposite party no. 2 and niece of applicant no.1, the details in this regard have been mentioned in paragraph no. 20 onward of the affidavit filed in support of the application. Learned counsel for the applicants on the premise of version contained in the affidavit from para no. 20 onwards is assailing the validity of criminal proceedings initiated by the opposite party no. 2. He further submits that initially aforementioned criminal proceedings have been challenged by father of his niece in Application U/S 482 No. 5791 of 2022 and the coordinate Bench of this Court vide order dated 21.09.2024, accorded interim relief and kept the proceedings of the aforementioned complaint case stayed until further orders. In this backdrop, learned counsel for the applicants submits that same indulgence may also be accorded in the instant matter as the criminal proceedings have been initiated in counterblast to the proceedings that has been initiated by her niece. Referring to the judgement of the Apex Court in Eicher Tractor Limited and Others Vs. Harihar Singh and Another, (2008) 16 SCC 763, it is urged by the learned counsel for applicants that present criminal proceedings cannot be sustained and are therefore liable to

be quashed by this Court.

4. Per contra, the learned A.G.A. has opposed the present application. However, he could not dislodge the factual and legal submissions urged by the learned counsel for applicants with reference to the record at this stage.

5. Having heard the learned counsel for applicants, the learned A.G.A. for State, upon perusal of record and considering the facts and circumstances of the case as noted herein-above, the matter requires consideration.

6. Notice on behalf of opposite party 1 has been accepted by the learned A.G.A.

7. Issue notice to opposite party 2.

8. Opposite parties may file their respective counter affidavits within four weeks. Rejoinder affidavit may be filed within two weeks' thereafter.

9. Connect alongwith Application U/S 482 No. 5791 of 2022 and list thereafter.

10. Considering the facts and circumstances of the case and also the submissions urged by the learned counsel for applicant in support of the present application as noted herein-above, as an interim measure, it is hereby provided that until further orders of this Court further proceedings of Criminal Complaint Case No.769 of 2017, under Sections 147, 384, 506 IPC, Police Station Ubhaon, District Ballia now pending in the Court of Civil Judge (Sr. Div.)/F.T.C. Ballia, shall remain stayed.

**Order Date :- 1.5.2025**

Bhanu