

Court No. - 87

Case :- APPLICATION U/S 482 No. - 44725 of 2024

Applicant :- Abhishek Singh

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Rahul Chaudhary, Rohit Chawdhary

Counsel for Opposite Party :- G.A.

Hon'ble Prashant Kumar,J.

1. Heard Sri Rohit Chowdhary, learned counsel for the applicant and Sri S.D. Pandey, learned AGA for the State respondents.

2. The instant application under Section 482 Cr.P.C. has been filed seeking quashing of summoning order dated 12.07.2024 as well as entire proceeding of Complaint Case No.1466 of 2024, under Section 406 IPC, P.S. Jajmau, District Kanpur Nagar pending in the Court of Additional Civil Judge (J.D.), Court No.8, Kanpur Nagar.

3. Learned counsel for the applicant submits that on 14.11.2023 the applicant had filed a complaint before the S.S.P., Kanpur Nagar for lodging of an FIR against opposite party no.2 alleging that opposite party no.2 has not made certain payment. The S.S.P., Kanpur Nagar vide order dated 15.12.2023 sought a report from the concerned police station wherein it was endorsed that it is a pure civil dispute. Thereafter, opposite party no.2 had filed a complaint against the applicant for the same payment in which the Court below has issued summons against the applicant on 12.07.2024, which has been assailed by means of this application. He further submits that it is a cross-case and on his complaint the police has given a report that it is a pure civil dispute on the contrary the Court below on the same set of facts has issued summons against him.

4. Matter requires consideration.

5. Issue notice to opposite party no.2 returnable at an early date. Steps be taken within a wee.

6. The opposite parties are accorded four weeks time to file counter affidavit. Two weeks, thereafter, to the applicant to file rejoinder affidavit.

7. List this matter on 28.07.2025.

8. Till the next date of listing, further proceedings of the aforesaid case shall be kept in abeyance.

Order Date :- 13.5.2025

S.P.