

Court No. - 74

Case :- APPLICATION U/S 482 No. - 44618 of 2024

Applicant :- Akhilesh Goel And Another

Opposite Party :- State Of U.P. And Another

Counsel for Applicant :- Gaurang Dwivedi, Raj Kumar Kesari

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Pathak, J.

1. Heard learned counsel for the applicants, learned AGA and perused the record.
2. Learned AGA has filed a copy of the compliance affidavit today in the Court, which is taken on record. Office is directed to proceed accordingly. It is stated that on the basis of the compliance affidavit brother-in-law of the opposite party no.2 (Jeth) has received notice on her behalf.
3. The applicants have invoked the inherent jurisdiction of this Court under Section 482 Cr.P.C. to quash the entire proceeding as well as Chargesheet No. 404 of 2023 dated 18.09.2023 and cognizance/ summoning order dated 16.03.2024 in Session Case No. 342 of 2024 (State of UP vs. Akhilesh Goel & Another), arising out of Case Crime No. 959 of 2022 under Sections 504, 506 I.P.C. & 3(2)V(a), 3(1)(r) SC/ST Act, Police Station-Kankar Khara, District-Meerut, pending before the court of Special Judge SC/ST Act, Meerut.
4. It is submitted that opposite party no.2 has lodged an FIR levelling allegation of illegal encroachment against the present applicant (accused) over her landed property. The matter, being a civil in nature, has illegally been dragged into criminal proceedings. As per the case of the opposite party no.2, she has filed a civil suit for permanent prohibitory injunction against the present applicants, being O.S. No.80 of 2012 (Smt. Pooja Vs. Jagendra Singh & Ors.), wherein an interim order has been granted on 17.1.2022 restraining the defendant (accused) from alienating the property in question without getting it partitioned and not to interfere in the peaceful possession of the opposite party no.2. By way of FIR, opposite party no.2 sought to dispossess the present applicant from the property in question.
5. The matter requires consideration.
6. Opposite party no.1 is represented through learned A.G.A.

Despite service of notice, no one has put in appearance on behalf of the opposite party no.2.

7. List this matter on **18.3.2025**. In the meantime, parties shall exchange their respective affidavits, if any.

8. Till the next date of listing, no coercive action shall be taken against the applicants in the aforesaid criminal case.

Order Date :- 27.1.2025/vkg