

Court No. - 78

Case :- APPLICATION U/S 482 No. - 9601 of 2021

Applicant :- Lilavati And Anr.

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

Counsel for Applicant :- Sumit Kumar
Srivastava, Pramod Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Shekhar Kumar Yadav,J.

Heard learned counsel for the applicants and learned AGA through Video link.

This application under Section 482 Cr.P.C. has been filed for quashing the summoning order dated 25.02.2021, passed by learned Judicial Magistrate, Sambhal, Chandausi in Complaint Case No. 745 of 2020 (Hem Chandra Sagar Vs Rajneesh and others), under Sections 498-A, 323, 504, 506 IPC and Section 4 of the D.P. Act, P.S. Chandausi, District Sambhal as well as the entire proceedings of Complaint Case No. 745 of 2020 (Hem Chandra Sagar Vs Rajneesh and others), under Sections 498-A, 323, 504, 506 IPC and Section 4 of the D.P. Act, P.S. Chandausi, District Sambhal pending in the court of Judicial Magistrate, Sambhal.

Learned counsel for the applicants submitted that the impugned complaint has been filed by the opposite party no. 2 against the applicants containing absolutely false and frivolous allegation with the ulterior intention of harassing them and although no offence against the applicants is disclosed from the material on record and the charge against the applicants is groundless. He lastly submitted that since the prosecution of the applicants is manifestly attended with malafides, the same is liable to be quashed.

In reply to the above contention it is submitted by the learned A.G.A. that all the submissions made at the bar relate to the disputed questions of fact, which cannot be adjudicated upon by this court. The disputed defense of the accused cannot be considered at this stage. Since, the applicants have been summoned by the Trial Court, they will have various opportunities before the Trial Court to agitate their grievance at appropriate stages.

The prayer for quashing the impugned orders is refused.

However, considering the facts and circumstances of the case, if the applicants appear before the Court below in compliance of the summoning order passed by the Court below within 60 days of this order and apply for bail, their prayer for bail shall be considered and disposed of in accordance with law.

With aforesaid observation, the application is finally disposed of.

Order Date :- 31.5.2021
RavindraKSingh