

Sl. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>C528 No.154 of 2024 <u>Hon'ble Rakesh Thapliyal, J.</u></p> <ol style="list-style-type: none"> 1. Mr. B. S. Koranga, learned counsel for the applicant. 2. Mr. Sandeep Sharma, learned Brief Holder for the State. 3. The present Criminal Miscellaneous Application has been preferred under Section 528 of the Act No.46 of 2023, wherein the present applicants are challenging the proceedings of Complaint Case No. 5290 of 2022, "Vijay Shankar Verma versus Suvigiya Agarwal and Another," pending in the Court of Additional Chief Judicial Magistrate, Kashipur, District Udham Singh Nagar, wherein the present applicants have been summoned for the offences punishable under Section 420 and 506 of IPC. 4. It is submitted by learned counsel for the applicants that earlier, the applicant No.2 moved an application under Section 156(3) Cr.P.C on 22.08.2022 in the Court of Additional Chief Judicial Magistrate, Kashipur and the said application was treated as a complaint case and the respondent-complainant has been summoned for the offences punishable under Section 465, 504 and 506 of IPC by order dated 19.10.2023. It is submitted that in counter-blast to the proceeding initiated on the complaint of the applicant in which the respondent complainant was

			<p>summoned by the Additional Chief Judicial Magistrate, Kashipur, District Udham Singh Nagar vide order dated 19.10.2023, the complainant filed an application under Section 156(3) Cr.P.C. registered as Miscellaneous Application No.471 of 2022 on 28.10.2022, which was also treated as a complaint case by order dated 25.08.2023 passed by the Additional Chief Judicial Magistrate, Kashipur, District Udham Singh Nagar and the present applicants have been summoned for the offences punishable under Section 420 and 506 of PIC.</p> <p>5. Being aggrieved with the order passed by the Additional Chief Judicial Magistrate dated 25.08.2023, the present C528 application has been filed.</p> <p>6. It is submitted by learned counsel for the applicants that the proceeding initiated by the respondent complainant is nothing but apparently abuse of process of law since at earlier point of time, the applicant filed an application under Section 156(3) Cr.P.C, which was treated as a complaint case and the respondent was summoned.</p> <p>7. It appears that both the applicants as well as the respondent complainant are raising allegations against each other and on their complaint, the same Court took cognizance, therefore in the interest of justice both the proceedings should be clubbed together and decided by the trial Court.</p> <p>8. Accordingly, the present C528 application is disposed of finally with a direction to the Court of Additional Chief Judicial Magistrate to club the</p>
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