

Court No. - 92

Case :- APPLICATION U/S 482 No. - 5136 of 2016

Applicant :- Ram Sajiwan And 6 Others

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

Counsel for Applicant :- Rajesh Kumar Dubey, Vijay Shyam Bhasker

Counsel for Opposite Party :- G.A., Awadhesh Kumar Sharma, Bhual Vishwakarma, Brijesh Kumar Sharma, N.D. Shukla, Navin Kumar, Sanjay Kumar Upadhaya, Virendra Kumar, Yogesh Kumar Saxena

Hon'ble Anish Kumar Gupta, J.

1. Heard Sri S.P. Vishwakarma holding brief of Sri Awadhesh Kumar Sharma, learned counsel for the applicants, Sri Virendra Kumar, learned counsel for the opposite party no. 2 and Sri Prem Prakash Tiwari, learned AGA for the State-respondents.

2. The instant application has been filed seeking quashing / setting aside the summoning order dated 08.02.2016 passed by Fast Track Court / Additional Sessions Judge, Bhadohi, Gyanpur in Criminal Revision No. 8 of 2016 (Ram Sajiwan and six others vs. State of U.P. and another) as well as order dated 07.12.2015 passed by Judicial Magistrate 1st Bhadohi Gyanpur in Complaint Case No. 1440 of 2015 (Baidyanath vs. Ram Sajiwan and others), under Sections 323, 504, 506, 468, 120-B I.P.C., Police Station Durgaganj, District Bhadohi.

3. Learned counsel for the applicants submits that there are various disputes and suits are pending between the parties primarily with regard to the management of "*Maa Janki Shiksha Samiti*" which is running the "*Maa Janki Vidya Mandir*". The opposite party no. 2 and the applicant no. 3 are the real brothers and the others are the family members of the respective persons. The dispute is with regard to the same property and the control and of management etc. between the parties and various factual aspects have been raised in the complaint by the opposite party no. 2 and also by the applicants in the instant application.

4. Therefore, in the considered opinion of this Court, such disputed questions of fact cannot be decided while exercising the powers under Section 482 Cr.P.C., therefore, this court do not find any

good reason to interfere with the summoning order dated 08.02.2016.

5. The instant application is **dismissed**, accordingly.

Order Date :- 12.12.2023

Manoj