

Court No. - 91

Case :- APPLICATION U/S 482 No. - 35194 of 2023

Applicant :- Smt Kaila Devi And 3 Others

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

Counsel for Applicant :- Pankaj Dwivedi, Jagdish Mishra

Counsel for Opposite Party :- G.A., Indra Raj

Hon'ble Gajendra Kumar, J.

1. Heard learned counsel for the applicants, learned A.G.A. for the State- opposite party and perused the record.

2. This application under Section 482 Cr.P.C. has been filed by the applicant with the prayer to quash the summoning order dated 04.07.2023 passed by Chief Judicial Magistrate, Agra as well as entire proceedings of Complaint Case No. 25601 of 2020 (Rajendra Singh Vs. Kaila Devi and others) under sections 304, 201 I.P.C., Police Station Kagarol, District- Agra, pending in the court of Chief Judicial Magistrate, Agra.

3. It is submitted by learned counsel for the applicant that on the basis of false and frivolous allegations made in the complaint filed by the opposite party no.2 against the applicants who are step-mother, step-brothers and real father. It is submitted that there is a dispute in connection with the property regarding which a false complaint case has been filed alleging that murder of the Dharmveer was committed by the applicant nos.1 and 2 and the brother of the applicant nos.3 and 4. There is no offence made out against the applicants but the learned CJM has summoned the applicants in a mechanical way without any material / evidence regarding the complicity of the applicants in the enquiry conducted by the CJM concerned.

4. Learned AGA opposed the prayer and contended that the applicants have been summoned after conducting the due enquiry and after recording the statement of the complainant and the witnesses under section 200 and 202 Cr.P.C. Therefore, there is no illegality or perversity in the impugned order. There is no ground for quashment of the entire proceedings of the complaint.

5. From perusal of the record and particularly the impugned order, it is apparent that a complaint was moved by the opposite party no.2 against the applicants with the allegation of causing murder of one Dharamveer Singh who is the stepson of the applicant no.1 only son of the applicant no.2 and the step-brother of the applicant nos.3 and 4. After recording the statement of the complainant and conducting due enquiry under section 202 Cr.P.C. the learned CJM found sufficient material to summon the accused / applicants to stand trial for the offence under section 304 and 201 IPC.

6. In view of above, from the perusal of the record and the impugned order, it is found that there is no such glaring abuse of court's process which may justify to invoke its inherent jurisdiction provided under section 482 Cr.P.C. to interfere with the same. In view of above, the prayer for quashing the impugned order is refused.

7. The present application under Section 482 is devoid of merit and is accordingly **dismissed**.

Order Date :- 2.12.2023

Shiv