

Court No. - 91

Case :- APPLICATION U/S 482 No. - 34825 of 2023

Applicant :- Kesh Chandra Sonkar And Another

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

Counsel for Applicant :- B.N.Singh,Manish Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar,J.

1. Heard learned counsel for the applicants and learned A.G.A. for the State.

2. By means of instant application under Section 482 Cr.P.C, the applicants seeks to quash the summoning order dated 04.07.2023 and the entire proceedings of Complaint Case No.86608 of 2021 (Umakant Sonkar Vs. Kesh Chandra Sonkar and another, under section 406/504/506 IPC, Police Station Chakeri, District Kanpur Nagar, pending in the court of 2nd Metropolitan Magistrate, Kanpur Nagar and further prayer to pass fresh order in the aforesaid case has been made.

3. It is submitted by learned counsel for the applicant that initially applicant no.2 filed a complaint regarding seven different cheques under section 138 N.I. Act in pursuance of which Umakant Sonkar was summoned to stand trial for the offence under section 138 N.I. Act vide order dated 04.07.2023. It is further submitted that as a counterblast to those complaint cases and with ulterior motive to wreck vengeance the complaint with false and frivolous allegations has been made in which after conducting the enquiry under section 200 and 202 Cr.P.C., the trial court has summoned the applicants for the offence under section 406/504/506 IPC vide order dated 04.07.2023. The main submission of learned counsel

for the applicants is that the impugned order is a non speaking as the names of the accused persons are not reflected rather it is stated in the order that accused persons are summoned. The order is cryptic one and the manner in which the proceedings have been carried out is nothing but abuse of process of court.

4. Per contra, learned A.G.A. has opposed the prayer but could not dispute the aforesaid facts.

5. In view of above, from the perusal of the order dated 04.07.2023, it is apparent that the order is cryptic and non-speaking and has been passed without application of judicial mind which is against the provisions of law and the principles to be observed at the time of passing the order under section 204 Cr.P.C..

6. Thus, the order impugned dated 04.07.2023 is hereby set-aside. The matter is remanded back to the trial court concerned to decide the matter afresh in accordance with law, within a period of two months from the date of production of certified copy of this order.

7. With the aforesaid observations, the application stands **disposed of.**

Order Date :- 16.10.2023

Shiv