

Court No. - 92

Case :- APPLICATION U/S 482 No. - 37687 of 2023

Applicant :- Mainu Alias Ravindra And 4 Others

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

Counsel for Applicant :- Vikrant Neeraj, Ram Mani Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta, J.

1. Heard Sri Vikrant Neeraj, learned counsel for the applicants and Sri Sandeep Choudhary, learned A.G.A. for the State.

2. The instant application under Section 482 Cr.P.C. has been filed seeking quashing of the summoning/cognizance order dated 02.08.2023 and entire proceedings of Criminal Case No. 4 of 2023 (State vs. Monu @ Ravindra), arising out of Case Crime No. 06 of 2022 u/S 498A, 323, 506 I.P.C. and 3/4 D.P. Act, P.S.- Mahila Thana, District- Hathras, pending in the court of learned Civil Judge (Jr. Division)/F.T.C.-II, Hathras.

3. Learned counsel for the applicants submits that the applicant no.1 is the husband of the daughter of opposite party no.2 and due to the matrimonial discord between the parties the instant criminal case has been lodged by the opposite party no.2 against all the applicants making general allegations against each of the applicants on false and fabricated story. Therefore, he has prayed for quashing of the entire proceedings against the applicants. Learned counsel for the applicants further submits that there are various contradictions in the statements as allegations made in the F.I.R. and the statement of witnesses u/S 161 Cr.P.C., therefore, he has prayed for quashing of the entire proceedings against the applicants.

5. On the other hand, learned counsel for the State submits that the clear and categorical allegations have been made against each of the applicants herein in the instant F.I.R. and there are allegations of demand of dowry and torture for demand of dowry by each of the applicants and specific role have been assigned against each of the applicants in the F.I.R. itself. The matter has been duly investigated by the police and after finding sufficient material the charge-sheet has been filed and on the basis of the material before the learned Magistrate, the learned Magistrate has taken cognizance against the applicants herein vide order dated 02.08.2023. Therefore, there is no illegality either in the charge-sheet or in the summoning order against the

accused persons.

6. Having heard the rival submissions made by the learned counsels for the parties, this Court has carefully perused the record of the case and from the perusal of the F.I.R. as well as the statement u/S 161 Cr.P.C., clear and categorical allegations have been made against all the applicants with regard to demand of dowry and torture for demand of dowry, therefore, a prima facie cognizable offence has been made out against the applicants herein for which the charge-sheet has been filed and cognizance has been taken on the basis of material available before him.

7. In view thereof, the instant application is devoid of merits and hereby ***dismissed***.

Order Date :- 24.11.2023

Shubham Arya