

Court No. - 91

Case :- APPLICATION U/S 482 No. - 38270 of 2023

Applicant :- Ranglal

Opposite Party :- State Of U.P. And Another

Counsel for Applicant :- Ganesh Shanker Srivastava, Deepak Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar, J.

1. Heard learned counsel for the applicant and learned AGA for the State.
2. The present application u/s 482 Cr.P.C. has been filed by the applicant with the prayer to quash the summoning order dated 27.06.2022 as well as the entire proceeding of Complaint Case No.781 of 2015, CNR No.UPSN04002853-2015, under Section 436 IPC, P.S. Durgaganj, District Sant Ravidas Nagar/Bhadohi.
3. Learned counsel for the applicant submits that on false and frivolous allegation, an application u/s 156(3) Cr.P.C. was moved, which was treated as a complaint case and the statement of the complainant as well as the witnesses were got recorded under Sections 200 & 202 Cr.P.C. and the learned Magistrate has in a mechanical way, summoned the opposite party no.2 without application of judicial mind as the opposite party no.2 is the complainant in the case and Rang Lal is the opposite party no.2. The manner in which the criminal proceeding is carried out is nothing but an abuse of process of Court.
4. On the other hand, learned AGA has opposed the prayer but could not dispute the aforesaid facts.
5. Keeping in view the contention and submission made by the learned counsel for the parties, it is apparent that the impugned

order has been passed in a mechanical way without application of judicial mind, which is not sustainable in the eye of law and the impugned order is set aside with the direction to the court concerned that the matter shall be decided afresh in accordance with law.

6. In view of the such facts, the impugned order dated 27.06.2022 is here by set aside.

7. Accordingly, the instant application stands **disposed off**.

Order Date :- 27.10.2023

Sanjeet