

Court No. - 92

Case :- APPLICATION U/S 482 No. - 38584 of 2023

Applicant :- Raghuveer And 6 Others

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

Counsel for Applicant :- Azhar Hussain, Byas Kumar Prasad

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta, J.

1. Heard Sri Byas Kumar Prasad, learned counsel for the applicants and Sri Kamlesh Kumar Tripathi, 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 order dated 05.05.2023 in Complaint Case No. 124318 of 2022 (Vijay Singh vs. Raghuveer and Others) u/S 452, 323, 504 and 506 I.P.C., P.S.- Iradat Nagar, District- Agra, pending in the court of learned Additional Chief Judicial Magistrate, Court No.4, Agra.

3. Learned counsel for the applicants submits that with regard to the incident, both the parties have filed cross cases against each other. In the instant case, the opposite party no.2 has not suffered any injuries whereas on the side of the applicants, namely Satya Prakash, has suffered injuries. In both the cases, the Magistrate has taken cognizance.

4. Learned counsel for the applicants further submits that there are contradictions in the F.I.R. and the statements u/s 200 & 202 Cr.P.C., with regard to the involvement of the persons in the incident. Learned counsel for the applicants further submits that out of the 9 accused persons, two persons have already been exonerated by the learned Magistrate while taking cognizance. Therefore, he has prayed for quashing of the entire proceedings of the said case.

5. Having heard the rival submissions made by the learned counsels for the parties, this Court has considered the case since there are cross cases against each other and the parties have not denied the incident and for the same incident, they have lodged complaint against each other which in fact proves that the parties were involved in the incident. Therefore, there are no grounds for quashing of the entire proceedings as prayed by the learned counsel for the applicants.

6. Hence, in the light of the judgments passed by the Apex Court in *State of Haryana & Ors. vs. Bhajan Lal : 1992 SCC (Cri) 426*, *Zandu Pharmaceutical Works Ltd. vs. Mohd. Saraful Haque : (2005) 1 SCC 122* and *Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and Others : 2021 SCC OnLine SC 315*, there is no ground for quashing of the proceedings against the applicants herein.

7. The instant application is devoid of merits and is hereby ***dismissed***.

Order Date :- 28.10.2023

Shubham Arya