

Court No. - 93

Case :- APPLICATION U/S 482 No. - 38636 of 2022

Applicant :- Krishna Kumar Sharma @ Pappu And Another

Opposite Party :- State Of U.P And Another

Counsel for Applicant :- Ram Surat Patel

Counsel for Opposite Party :- G.A.,B.N.Singh,Santosh Kumar Singh

Hon'ble Arun Kumar Singh Deshwal,J.

1. Heard Sri Ram Surat Patel, learned counsel for the applicants and Sri B.N. Singh, learned counsel for opposite party no.2 and Sri Rajeev Kumar Singh, learned AGA for the State.

2. The present 482 Cr.P.C. application has been filed to quash the entire proceedings of Complaint Case No.6801 of 2021, under Sections-354, 323, 504, 506 IPC, Police Station-Kotwali Orai, District-Jalaun along with summoning order dated 15.10.2022 passed by Chief Judicial Magistrate, Jalaun at Orai.

3. Contention of learned counsel for the applicants is that prior to filing the impugned complaint the mother of applicant no.2 has lodged an FIR on 06.10.2021 against the husband and son of opposite party no.2, u/s-323, 147, 452, 504, 506 IPC in Case Crime No.660 of 2021 in which chargesheet was also filed against the husband and son of opposite party no.2 on 08.12.2021, u/s-323, 325, 504, 506 IPC and cognizance was also taken by learned Magistrate on 25.01.2022.

4. Therefore in counter blast to the aforesaid proceeding, opposite party no.2 has lodged an impugned complaint on

17.12.2021 showing the date of incident as 06.10.2021 at 8:00 pm. Though, in the FIR lodged by the mother of applicant no.2 against the son and husband of opposite party no.2, the date of incident was also 06.10.2021 and timing of the incident was 7:30 pm.

5. From perusal of record, it appears that opposite party no.2 mentioned a cross version of the incident dated 06.10.2021 but by changing the place of incident and timing. The averments in the plaint was also supported by the statement recorded u/s 200 & 202 Cr.P.C.

6. Therefore, at this stage, it cannot be said that no offence is made out as both the parties making allegation against each other by setting up their story. The fact that the cross version is correct or incorrect can be seen by the trial court. Therefore, prayer for quashing the impugned proceeding is rejected.

7. In view of the above, this court is declined to quash the proceeding of impugned complaint. However, it is provided that if the applicants appear before the court below and apply for bail, then their bail application shall be considered in view of the law laid down by the Apex Court in ***Satendra Kumar Antil vs. Central Bureau of Investigation and Another, (2021) 10 SCC 773.***

8. With the aforesaid observations, the present application is **disposed of.**

Order Date :- 31.10.2023
S.Chaurasia