

Court No. - 86

Case :- APPLICATION U/S 482 No. - 39500 of 2023

Applicant :- Suresh Pal

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Pushpendra Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Rajiv Gupta,J.

1. Heard learned counsel for the applicant; learned A.G.A. for the State and perused the material placed on record.
2. The present 482 Cr.P.C. application has been filed to quash the impugned notice/summon dated 01.09.2023 issued under Section 110 G Cr.P.C. by the Up-Zila Magistrate, Jalalabad, District Shahjahanpur/opposite party no. 2, as well as entire proceedings of Case No. 324 of 2023 (State Vs. Suresh Pal).
3. Learned counsel for the applicant submits that notice issued under Section 110 G Cr.P.C. is illegal and without following the provisions provided under the Cr.P.C. and no show cause notice was issued prior to issuing the impugned notice. On account of one case, proceeding has been initiated which was falsely lodged against the applicant. Order passed on 01.09.2023 by opposite party No.2 is, therefore, illegal.
4. Learned A.G.A. opposed the submission raised by counsel for the parties.
5. In view of the aforesaid facts and circumstances of the case and keeping in view that substance of allegation made against the applicant has not been specifically stated making the notice, vague and bogus, as such, the same is hereby quashed, however it shall be open to the authority concerned to issue fresh notice to the applicant, if necessary in accordance with law.
6. With the aforesaid direction, the present 482 application stands disposed off.

Order Date :- 22.11.2023

RPD