

Court No. - 91

Case :- APPLICATION U/S 482 No. - 43227 of 2023

Applicant :- Ompal And 2 Others

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

Counsel for Applicant :- Shobhit Singh, Narendra Kumar

Counsel for Opposite Party :- G.A., Pawan Singh Pundir

Hon'ble Gajendra Kumar, J.

1. Heard Sri Brijesh Kumar Yadav, Advocate holding brief of Sri Shobhit Singh, learned counsel for the applicants, learned counsel for the opposite party no.2 and learned AGA for the State.

2. This application u/s 482 Cr.P.C. has been filed by the applicants with the prayer to quash the cognizance order dated 27.01.2023 and charge sheet dated 25.11.2022 as well as the entire proceeding of Case No.600 of 2023, arising out of Case Crime No.221 of 2022, under Sections 504, 506 IPC, P.S. Badagaon, District Saharanpur.

3. Learned counsel for the applicant submits that the applicant has no concern with the aforesaid offence. It is further submitted that the order dated 27.01.2023 by virtue of which, the applicant has been summoned for the aforesaid offences is cryptic one and non speaking order.

4. On the other hand, learned AGA for the State had opposed the prayer but could not dispute the aforesaid facts.

5. From the perusal of the order as well as record, it is apparent that the order dated 27.01.2023 is cryptic one. No narration of fact has been given in the order nor there is satisfaction recorded by the court concerned as to what is the material warranting the summoning the accused on the basis of prima facie case is made out against the applicant.

6. Keeping in view the entire facts and circumstances of the case and the manner in which proceeding carried out by the trial court, it is apparent that the order dated 27.01.2023 is cryptic one and is passed without application of mind and against the principles of law, which is not sustainable in the eye of law and the order is set aside with the direction to the court concerned to decide the matter

afresh.

7. In view of the such facts, the order dated 27.01.2023 is here by set aside.

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

Order Date :- 4.12.2023

Sanjeet