

Court No. - 92

Case :- APPLICATION U/S 482 No. - 39960 of 2023

Applicant :- Santosh Kumar Urf Abdul And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Shiv Bhawan

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta,J.

1. Heard Shri Arvind Kumar Yadav holding brief of Shri Shiv Bhawan, learned counsel for the applicants and Shri Pankaj Srivastava, 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 25.9.2023 as well as the entire criminal proceedings of Complaint Case No. 56 of 2021 (Sangeeta Devi Sv. Santosh Kumar Urf Abdul and others) under sections 354, 392, 504, 506 I.P.C. against the applicant no. 1, under section 323, 504, 506 I.P.C. against the applicant no. 2 and under section 504, 506 I.P.C. against the applicant no. 3 police station Kotwali Karvi District Chitrakoot pending before the learned Court Special Judge, UP. Dacoity Affected Area Act, 1983 District Chitrakoot.

3. Learned counsel for the applicants submits that the complaint case has been filed by the opposite party no. 2 as a counter blast to the complaint which has been filed by the applicant no. 1 herein against the husband of the opposite party no. 2. Therefore, he prayed for quashing of the entire proceedings of the case. Learned counsel for the applicant further submits that both the parties have filed the complaints against each other alleging offence of similar nature against each other and in the complaint filed by the applicant no. 1 herein the accused persons of that case have been summoned vide order dated 13.9.2022.

4. Learned A.G.A. for the State however submits that both the complaints are alleging incident of 15.12.2020/16.12.2020 and almost similar allegations have been made against each other, which is subject matter of trial, therefore, no interference is required by this Court.

5. Having heard the learned counsel for the parties the court has gone through the record and from the record of the case it appears that for an incident dated 16.12.2020 the applicant no. 1 herein has

filed a complaint case against the husband of the opposite party no. 2 and the said complaint was filed after about a month of the incident in the month of January, 2021 alleging similar allegations. Opposite party no. 2 has also filed similar complaint alleging an incident of 15.12.2020 against the applicants herein. In both the cases charge sheet have been filed and the accused persons have been summoned, therefore, in the considered opinion of this Court, which version is true could not be determined in summary proceedings and final determination has to be done by the trial court.

6. For the aforesaid reasons, the instant application lacks merit and is accordingly **dismissed**.

Order Date :- 28.11.2023

o.k.