

Court No. - 89

Case :- APPLICATION U/S 482 No. - 40323 of 2023

Applicant :- Mahendra Pal Singh And Another

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

Counsel for Applicant :- Rinki Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

1. Heard learned counsel for the applicants, learned A.G.A. for the State and perused the record.
2. The present 482 Cr.P.C. application has been filed to quash the impugned notice dated 09.09.2023 issued by Assistant Police Commissioner/Special Executive Magistrate, Chakeri, under Section 107/111 Cr.P.C, Police Station Chakeri, District Kanpur Nagar.
3. Instant proceeding under sections 107/111 Cr.P.C. is malice prosecution and without following the procedure provided under the Act. Only to harass the applicants, instant proceeding has been initiated. Counsel for the applicants next submits that dispute between the parties is civil in nature and proceeding under section 107/111 Cr.P.C. could not be initiated and notice issued against the applicants under section 107/111 Cr.P.C. is without following necessary procedure provided under the Act. Civil suit is pending between the parties and injunction is granted in favour of the applicants and notice issued on police report without considering the evidence.
4. In view of the aforesaid facts and circumstances of the case and keeping in view the substance of allegation made against the applicants which has not shown in the show-cause notice is vague and bogus, therefore, the same is hereby quashed.
5. It shall be open to authority concerned to issue fresh notice to the applicants, if necessary.
6. With the aforesaid direction, this Application u/s 482 Cr.P.C. is, accordingly, **disposed of.**

Order Date :- 2.11.2023/SKD