

Court No. - 90

Case :- APPLICATION U/S 482 No. - 40949 of 2023

Applicant :- Kalawati Devi And Another

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

Counsel for Applicant :- Gyanu Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Vinod Diwakar,J.

1. Heard Shri Gyanu Shukla, learned counsel for the applicants, learned A.G.A. for the State and perused the record.
2. The present application under Section 482 Cr.P.C. has been filed to quash the summoning order dated 07.08.2023 passed by Additional Civil Judge (Junior Division)/Judicial Magistrate, Room No. 05, Ghazipur in Criminal Case No. 412 of 2018 titled as Ram Jee Gupta Vs. Kalawati and Others, under Section 420 I.P.C., P.S. Jangipur, District Ghazipur.
3. Learned counsel for the applicants states that there is a civil suit pending between the parties and the matter is purely of a civil nature. He submits that opposite party no. 2 Ramjeet had already filed a civil suit being Civil Suit No. 1115 of 2018 titled Ram Jee Gupta and Others Vs. Smt. Kalawati, pending trial before Civil Judge (Junior Division), Ghazipur.
4. On perusal of the impugned order, it transpires that the applicants have sold the excess land, of which he was not the owner and registered a sale deed on 12.09.2018 in favour of opposite party no. 2 without having right, title and interest over the property. Learned counsel for the applicants could not demonstrate any infirmity in the impugned.
5. Without going into the factual correctness of the contentions raised by the counsel for the applicant, this Court finds that all the said contentions are nothing but defence of the applicants, which cannot be considered at this stage. The application is devoid of merits and hence dismissed.

Order Date :- 2.12.2023

Shafique

(Vinod Diwakar, J.)