

Court No. - 87

Case :- APPLICATION U/S 482 No. - 41840 of 2023

Applicant :- Ramratan And 12 Others

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

Counsel for Applicant :- Siddharth Rai

Counsel for Opposite Party :- G.A., Babita Upadhyay, Sanjeev Kumar Gaur

Hon'ble Neeraj Tiwari, J.

1. Heard learned counsel for applicants, learned A.G.A. for the State and Ms. Babita Upadhyay, learned counsel for the opposite party No. 2.

2. The present 482 Cr.P.C. application has been filed to quash the summoning order dated 19.07.2023 as well as entire proceedings of Criminal Case No. 939 of 2021 (Ravendra Singh Vs. Ramratan and others), under Sections- 147, 148, 149, 323, 504, 506, 336, 352 I.P.C. Police Station- Chandaus, District- Aligarh.

3. Learned counsel for the applicants submitted that earlier, applicant No. 1 lodged FIR dated 03.05.2021 against opposite party No. 2 and 18 others for the incident which took place on 12.05.2021. He next submitted that as a counter blast, opposite party No. 2 has also filed compliant under Section 156 Cr.P.C. against the applicants registered as Complaint Case No. 939 of 2021, for the very same incident with malafide intention of pressurizing the applicants to withdraw the earlier proceeding.

4. Learned counsel for the opposite party No. 2 submitted that present criminal proceeding is a cross case, therefore, there is no dispute on the point that alleged incident has taken place between the parties. She next submitted that in light of factual dispute in the present matter, present criminal proceeding may not be quashed and present application is liable to be dismissed.

5. From the perusal of the material on record and looking into the facts of the case as well as submission made by learned counsel for the applicants at this stage it cannot be said that no offence is made out against the applicants. All the submissions made at the bar, relate to the disputed questions of fact, which cannot be adjudicated upon by this Court under Section 482 Cr.P.C. At this

stage only prima facie case is to be seen in the light of the law laid down by Supreme Court in cases of ***R.P. Kapur Vs. State of Punjab***, A.I.R. 1960 S.C. 866, ***State of Haryana Vs. Bhajan Lal***, 1992 SCC (Cr.) 426, ***State of Bihar Vs. P.P.Sharma***, 1992 SCC (Cr.) 192 and lastly ***Zandu Pharmaceutical Works Ltd. Vs. Mohd. Saraful Haq and another (Para-10)*** 2005 SCC (Cr.) 283. The disputed defence of the accused cannot be considered at this stage.

6. Accordingly, the prayer for quashing the criminal proceeding including the summoning order is refused.

7. The instant 482 application lacks merit and is accordingly **dismissed.**

Order Date :- 30.11.2023

ADY