

Court No. - 5

Case :- APPLICATION U/S 482 No. - 42770 of 2023

Applicant :- Faizan Ali And 3 Others

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

Counsel for Applicant :- Jaideep Pandey, Kushagra Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Piyush Agrawal, J.

Heard learned counsel for the applicants and learned AGA for the State.

This application under Section 482 Cr.P.C. has been filed for quashing summoning order dated 27.05.2021 and entire proceedings of Complaint Case No. 94/11 of 2020 (Smt. Fiza Bi Vs. Faizan Ali and others), under Section 498-A of IPC and 3/4 of D.P. Act, Police Station- Mahila Thana, District- Rampur, pending before the Civil Judge (J.D.)/Fast Track Court, Rampur as well as order dated 19.08.2023 passed by Additional District & Sessions Judge (Court No.7, Rampur in Crl. Revision No.54 of 2023 (Faizan Ali & others Vs. State of U.P. & another).

The contention of learned counsel for the applicants is that no offence against the applicants is disclosed and the present prosecution has been instituted with a *mala fide* intention for the purposes of harassment. He pointed out certain documents and statements in support of his contention.

Learned A.G.A. has vehemently opposed the prayer for quashing the proceedings of the aforesaid case as well as order dated 19.08.2023 and has submitted that the same do not suffer from any illegality or infirmity.

From the perusal of the impugned order, it is apparent that the court below has passed the said orders after having found *prima facie* case made out against the applicants and cognizable offence is disclosed from the perusal of the complaint as well as the statement of the complainant and its witnesses recorded under Sections 200 and 202 Cr.P.C.

In view of the above, in the light of judgment of the Apex Court in the matters 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, no ground for quashing summoning order dated 27.05.201 and the entire proceedings of the aforesaid complaint case as well as order dated 19.08.2023 is made out which may call for any interference by this Court in exercise of its inherent power under Section 482 Cr.P.C. as the same do not suffer from any illegality or infirmity.

The present application under Section 482 Cr.P.C. lacks merit and is, accordingly, **dismissed**.

Order Date :- 22.11.2023

Pravesh Mishra