

Court No. - 92

Case :- APPLICATION U/S 482 No. - 42723 of 2023

Applicant :- Ayesha And 2 Others

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

Counsel for Applicant :- Ashish Goyal

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta,J.

1. Heard Sri Mahesh Kumar Yadav, Advocate holding of Sri Ashish Goyal, learned counsel for the applicants and Sri Ramesh Kumar, 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/cognizance order dated 17.07.2019 in Case No.1595 of 2019 (State of U.P. vs. Ayesha and Others), arising out of Case Crime No. 133 of 2018 u/S 342 I.P.C., P.S.- Lohamandi, District- Agra, pending in the court of learned Additional Chief Judicial Magistrate-IV-, Agra.

3. Learned counsel for the applicants questions the summoning order only on the ground that the same has been passed on a printed format, the practice which has been deprecated by this Court in various decisions. Learned counsel for the applicants relied upon the judgement dated **09.08.2021**, passed by this Court in ***Application u/S 482 No. 11334 of 2021 (Pankaj Jaiswal vs. Another)***.

4. Per contra, learned A.G.A for State submits that though the aforesaid summoning order has been passed in a printed format, however, the learned Additional Chief Judicial Magistrate has recorded his categorical satisfaction that there are sufficient ground for taking cognizance against the applicants u/S 342 I.P.C. Learned A.G.A for State further submits that since more than four years have passed, therefore, the said summoning order cannot be interfered with at this later stage. Therefore, he has submitted that the applicants herein are avoiding service of summons deliberately, since, last four years, therefore, no interference is called for at such belated stage.

5. Having heard the submissions made by learned counsels for the parties, this Court has carefully gone through the record of the case. From the record of the case, it is apparent that an F.I.R. was lodged against the applicants herein u/S 342 I.P.C., which was duly registered and after due investigation in the

instant case, the charge-sheet was submitted against the applicants herein and on the basis of the materiel available before the learned Magistrate, vide order dated 17.07.2019, the cognizance was taken against the applicants herein. There is no dispute that it is the settled position of law that the Magistrate should not pass the cognizance/summoning orders on a printed format. However, from the order-sheet it appears that since last four years, the applicants herein have avoided the services of summons and have approached this Court after a period of four years. Therefore, at this belated stage, the summoning order, in the considered opinion of this Court cannot be interfered with only for the reason that it is on the printed format.

6. Therefore, this Court do not find any good ground to interfere in the instant application case and the instant application is devoid of merits and he hereby ***dismissed***.

Order Date :- 6.12.2023

Shubham Arya