

Court No. - 5

Case :- APPLICATION U/S 482 No. - 42721 of 2023

Applicant :- Rakesh And 2 Others

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

Counsel for Applicant :- Ashish Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Piyush Agrawal,J.

Heard learned counsel for the applicants, learned A.G.A. for the State and perused the record.

The present application under Section 482 Cr.P.C has been filed for quashing the charge-sheet dated 9.12.2022 and summoning/cognizance order dated 24.08.2023 as well as entire criminal proceeding of Criminal Case No.10517 of 2023 of 2023, arising out of Case Crime No.0776 of 2022, under Sections 323, 504, 506 IPC, Police Station- Hapur Nagar, District- Hapur, pending in the Court of Chief Judicial Magistrate, Hapur.

Learned counsel for the applicants submits that the impugned order has been passed in a mechanical manner and without application of mind. He further submits the first line of the second paragraph of the order dated 24.08.2023 refers the name of the applicants but the very next line of the said paragraph refers the name of accused Sallu @ Salmuddin, Ashu @ Aas Mohammed and Farman and then thereafter issued the summons in the name of the applicants. He further submits that the names mentioned above have no connection with the present case crime and there is no reference as to how they have been made accused as mentioned in the order dated 24.08.2023.

After hearing the counsel for the parties and on perusal of the records, it is apparent that the order dated 24.08.2023 has been passed without application of mind and the same is liable to be dismissed.

In view of the above, the impugned order dated 24.08.2023 is dismissed and the matter is remanded back to pass a fresh order.

Learned counsel for the applicants undertakes to serve the certified copy of this order within a period of fortnight to the court below.

The applicants may challenge the matter after being so instructed on the merits of the case.

Order Date :- 22.11.2023/Pravesh Mishra