

Court No. - 91

Case :- APPLICATION U/S 482 No. - 43305 of 2023

Applicant :- Mukesh Dubey And 2 Others

Opposite Party :- State Of U.P. And Another

Counsel for Applicant :- Manvendra Singh

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar,J.

1. Heard learned counsel for the applicants, learned A.G.A. for the State and perused the record.
2. By means of instant application under Section 482 Cr.P.C., the prayer is made to quash the charge sheet dated 16.12.2022, cognizance/summoning order dated 14.02.2023 and the entire criminal proceedings of Case No.6698 of 2023 (State Vs. Mukesh Dubey and others) arising out of Case Crime No.303 of 2022, under sections 406, 504, 506 IPC, Police Station Thariyaon, District Fatehpur pending in the Court of Additional Civil Judge (J.D.)/ Judicial Magistrate, Court No.1, Fatehpur.
3. It is submitted by the learned counsel for the applicants that the impugned order dated 14.02.2023 by virtue of which, the applicants have been summoned for the offence under Section 406, 504, 506 IPC is cryptic one and non speaking order.
4. On the other hand learned AGA for the State has opposed the prayer but could not dispute the aforesaid facts.
5. From the perusal of the impugned order as well as record, it is apparent that the order dated 14.02.2023 is cryptic one. No narration of fact has been given in the order nor there is satisfaction recorded by the court concerned as to what is the material warranting the summoning the accused on the basis of prima facie case is made out against the applicants.
6. Considering the entire facts and circumstances of the case as well as submissions advanced by learned counsel for the parties and the manner in which proceedings carried out by the trial court, it is apparent that the order impugned dated 14.02.2023 is cryptic one and is passed without application of mind and against the principles of law, which is not sustainable in the eye of law and the order is set aside with the direction to the court concerned to decide the matter afresh.

7. In view of the such facts, the impugned order dated 14.02.2023 is hereby set aside.

8. Accordingly, the instant application under section 482 Cr.P.C. stands **disposed off**.

Order Date :- 4.12.2023

SFH