

Court No. - 12

Case :- APPLICATION U/S 482 No. - 2102 of 2007

Applicant :- G.N. Bansal And 2 Ors. A482 1694/1985 Of Allahabad

Opposite Party :- U.P.Pollution Control Board And Anr.

Counsel for Applicant :- N. Lal,Amit Chaudhary,Dileep Singh,Rajesh Tiwari

Counsel for Opposite Party :- H.N. Tripathi,Ashok Kumar Verma,Sudhir Pande

Hon'ble Rajeev Singh,J.

1. Heard Shri Amit Chaudhary, learned counsel for the applicant and Shri A.K. Verma, learned Special Counsel appearing for U.P. Pollution Control Board.
2. This application has been filed for quashing the order dated 12.10.1984 passed by Chief Judicial Magistrate, Lakhimpur Kheri.
3. Learned counsel for the applicant submits that applicant is presently aged about 89 years. It is further submitted that a cryptic order was passed by the court below on the complaint filed by U.P. Pollution Control Board. Further, relying on the decision of the Hon'ble Apex Court in the case of **GHCL Employees Stock Option Trust Vs. India Infoline Limited, (2013) 4 SCC 505**, learned counsel for the applicant submits that the summoning order must be reasoned and should stand on its own leg. It is lastly submitted that the complaint case is of the year 1984 and about 39 years have passed. It is, thus, submitted that the impugned order as well as proceedings before the court below are liable to be quashed.
4. Shri A.K. Verma, learned counsel for the respondent vehemently opposes the prayer of the applicant and submits that the applicant may appear before the court below and apprise all these facts. However, he does not dispute the fact that the offence is related to the year 1983. He also does not dispute that the applicant nos. 2 and 3 are no more and the applicant is aged about 89

years. He also does not dispute that the impugned summoning order is an unreasoned order. However, he submits that, in case, the impugned order is set aside, the matter may be remanded back to the court.

5. Considering the arguments advanced by the learned counsel for the applicant, learned A.G.A. and going through the contents of the application, impugned order as well as other relevant documents including the decision of the Hon'ble Apex Court in the case of **GHCL Employees Stock Option Trust** (supra), it is undisputed that the alleged incident is of the year 1983. It is further evident that the impugned order dated 12.10.1984 is a cryptic one. Further, applicant nos. 1 and 2 have already died during the pendency of the present application and applicant no. 3 is now aged about 89 years. Admittedly, 39 years have already passed and, therefore, this Court is of the view that the matter is not liable to be remanded back to the court below at this stage.

6. In view of the above facts and circumstances, the impugned summoning order as well as proceedings pending before the court below are hereby quashed.

7. The application stands allowed.

8. Office is directed to communicate this order to the court below, forthwith.

Order Date :- 15.12.2023

VKS