

Court No. - 12

Case :- APPLICATION U/S 482 No. - 10581 of 2023

Applicant :- Ekram Khuman Bhaiyyan Sheikh @ Ikram And 6 Others

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko. And Another

Counsel for Applicant :- Vipin Kumar, Satyam Singh

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

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

2. Present application has been moved by the applicants for quashing the summoning order dated 10.07.2023 passed by Civil Judge, Senior Division/F.T.C., Court No.38, Barabanki in complaint case no.545 of 2022 (Sona Vs. Ekram and Ors.).

3. Learned counsel for the applicants submitted that on the basis of incorrect facts, application under Section 156(3) Cr.P.C. was filed by the private respondent which was treated as complaint case by the trial court, thereafter, statement under Sections 200 and 202 Cr.P.C. was recorded and summoning order was passed by the trial court without appreciating the contents of complaint as well as the statement recorded under Sections 200 as well as 202 Cr.P.C., therefore, kind indulgence of this Court is necessary.

4. Learned A.G.A. opposed the prayer of applicants and submitted that defence of the applicants can not be considered at this stage. He also submitted that the trial court has rightly appreciated the contents of complaint as well as the statement recorded under Sections 200 as well as 202 Cr.P.C., therefore, there is no illegality in the order passed by the trial court and the present application is liable to be dismissed.

5. Considering the submissions of learned counsel for the parties, going through the contents of application, statement recorded under Sections 200 as well as 202 Cr.P.C., as well as other relevant documents, as the trial court has considered the contents of complaint as well as the statement recorded under Sections 200 as well as 202 Cr.P.C., thereafter, the summoning order was passed, as the defence of the applicant cannot be considered at this stage, therefore, I am of the view that the present application is liable to be dismissed.

6. Accordingly, the application is hereby **dismissed**.

Order Date :- 30.10.2023/V. Sinha