

Court No. - 12

Case :- APPLICATION U/S 482 No. - 11789 of 2023

Applicant :- Amrendra Kumar @ Amrendra And Others

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

Counsel for Applicant :- Anil Kumar Awasthi

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 complaint case no.3611/2020 under Sections 452, 323, 505, 506 and 354 I.P.C. against applicant no.1 and under Sections 352, 323, 504, 506 I.P.C. against the applicant nos.2 to 4, P.S.- Talgaon, District- Sitapur pending before the Court of Judicial Magistrate-I, Sitapur.

3. Learned counsel for the applicants submitted that there was some dispute in between the parties related to the public way since 2020, thereafter, only with the intention to make pressure on the applicants, application under Section 156(3) Cr.P.C. was moved which was treated as a complaint case on 01.09.2020, thereafter, F.I.R. No.439/2022 under Sections 323 and 504 I.P.C. was lodged on 31.12.2022, in which, charge sheet has already been filed and cognizance has also been taken by the trial court. He further submitted that in the aforesaid complaint case, statement under Sections 200 and 202 Cr.P.C. was recorded and in the statement recorded under Section 202 Cr.P.C., date of incident was not properly explained but the trial court, without considering all these facts, has passed the summoning order in the most mechanical manner, therefore, kind indulgence of this Court is necessary.

4. Learned A.G.A. opposed the prayer of applicants and submitted in both the cases, date of incidents are entirely different and there is no illegality in the order of trial court. He further submitted that all these defence of the applicants cannot be considered at this stage, therefore, the application is liable to be dismissed.

5. Considering the submissions of learned counsel for the parties, going through the contents of application, as well as other relevant documents, as the two criminal prosecutions have

been initiated against the applicants by the private respondent, one by way of F.I.R. No.439/2022 (supra) related to the incident dated 06.09.2021 and in the present complaint case, date and time of the incident is 30.08.2020, therefore, there is no illegality in the order passed by the trial court and the application is liable to be rejected.

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

7. However, it is open to the applicants to move a bail application before the trial court, if any such application is moved, then the same shall be considered and decided in accordance with the law laid down by the Hon'ble Apex Court in the case of *Satendra Kumar Antil Vs. Central Bureau of Investigation and another (Special Leave to Appeal (Crl.) No.5191 of 2021*.

Order Date :- 5.12.2023

V. Sinha