

Court No. - 12

Case :- APPLICATION U/S 482 No. - 12533 of 2023

Applicant :- Alok Singh

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

Counsel for Applicant :- Smt. Shikha Srivastava, Abhinav Pankaj

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

1. Heard learned counsel for the applicant as well as learned A.G.A. for the State and perused the record.

2. The present application has been filed for quashing the summoning order dated 23.08.2023 and the entire proceedings arising out of Complaint No. 9091/2023 (***Mohd. Aizaz versus Munna & Others***) pending before learned Judicial Magistrate, Court No. 26, Lucknow u/s 323 1.P.C., Police Station- Indira Nagar, District- Lucknow.

3. Learned counsel for the applicant submits that applicant is a social worker and there is some matrimonial dispute between private respondent and his wife. He further submits that one complaint was filed by wife of private respondent, in which, applicant is one of the witnesses. He further submits that on the basis of incorrect facts, F.I.R. of the case in question was lodged. In the said F.I.R., it is alleged that applicant demanded Rs. 3 lakhs for resolving the issue between private respondent and his wife. It is further submitted that no alleged offense is made out and the impugned proceedings is a sheer abuse of legal provisions. It is, thus, submitted that indulgence of this Court is required.

4. Learned A.G.A. opposes the prayer of applicant and submits that the defense of applicant can be raised at the appropriate stage. He draws attention of this Court on the statement of private respondent recorded U/s 200 Cr.P.C., in which, he categorically stated that applicant demanded Rs. 3 lakhs from him.

5. Considering the submissions of learned counsel for the applicant, learned A.G.A. and going through the contents of application as well as other relevant documents; it is evident that the summoning order was passed by the trial court after

recording the statement U/s 200 & 202 Cr.P.C. and all the defense of applicant can be raised at the appropriate stage.

6. With the above observations, this Court is of the view that the present application U/s 482 Cr.P.C. is misconceived and accordingly, stands **dismissed**.

Order Date :- 21.12.2023

Arpan