

Court No. - 29

Case :- APPLICATION U/S 482 No. - 2409 of 2024

Applicant :- Kunwar Masood Ali Khan And 8 Others

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Civil Sectt. Lko
And 2 Others

Counsel for Applicant :- Irshad Ali, Syed Suleman Abbas

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot, J.

Heard Shri Irshad Ali, learned counsel for the applicant and Shri Girjesh Kumar Dwivedi, learned A.G.A. for the State.

The application U/S 482 Cr.P.C. has been filed by the applicants to quash the proceedings of notice/order dated 15.02.2024 issued by the opposite party no.2 under Sections 111/112 of Cr.P.C. relating to the G.D. No.019 dated 15.02.2024, Police Station-Bandhua Kalan, District-Sultanpur

Shri Irshad Ali, learned counsel for the applicant submits that the order dated 15.02.2024 has been passed mechanically in a printed proforma and does not reflect due application of mind. Reliance is placed in the judgements rendered on 08.09.2017 and 14.03.2019 in **U/S 482 Cr.P.C./378/407 No.3537 of 2008 (Ayodhya Prasad and others)** and **Application U/S 482 No.9941 of 2019 (Abhishek Malviya and another v. State of U.P. and another)**.

Shri Girjesh Kumar Dwivedi, learned A.G.A. for the State could not dispute the aforesaid submissions from

the record.

Perusal of the impugned notice shows that the printed proforma has been filled in a mechanical manner and substance of the allegations and material particulars of the threat to peace has not been disclosed. The non application of mind to the facts of the case vitiates the proceedings. The judgements rendered by this Court in **Ayodhya Prasad (supra) & Abhishek Malviya (supra)** are squarely applicable to the facts of the case.

With consent of parties the matter has been heard finally. No useful purpose would be served by keeping the application pending.

In the wake of the aforesaid, the proceedings of notice/order dated 15.02.2024 issued by the opposite party no.2 under Sections 111/112 of Cr.P.C. relating to the G.D. No.019 dated 14.02.2024, Police Station-Bandhua Kalan, District-Sultanpur are quashed.

The Application U/S 482 Cr.P.C. is allowed.

It is clarified that this Court has not entered into the merits of the controversy.

It is always open to the competent authority to initiate fresh proceedings in accordance with law and consistent with the judgements rendered by this Court in **Ayodhya Prasad (supra) & Abhishek Malviya (supra)**.

Order Date :- 14.3.2024

Ashish Tripathi