

Court No. - 13

Case :- APPLICATION U/S 482 No. - 11461 of 2024

Applicant :- Vikas Kumar Dwivedi And 2 Others

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

Counsel for Applicant :- O.P. Tiwari, Ashish Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

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

2. The present application has been filed with the prayer to quash the impugned summoning order dated 15.10.2024 passed by Learned Civil Judge (Junior Division) Fast Track Court, (Crime Against Women), District - Unnao in Case No. 1366 of 2024, State Versus Vikas Dwivedi and Others as well as charge sheet dated 06.08.2024 arising out of F.I.R./Case Crime No. 0024 of 2024, Under Sections- 498A, 323, 506 I.P.C. & 3/4 Dowry Prohibition Act, Police Station- Mahila Thana, District- Unnao.

3. Learned counsel for the applicants submitted that the private respondent is legally wedded wife of applicant no.1 and she left the house of applicant no.1 on her own taking away several articles with her, thereafter, due to fear of criminal prosecution, she lodged FIR of case in question. He further submitted that one application U/S 156(3) CrPC has been moved by the applicant which is pending, therefore, kind indulgence of this Court is necessary.

4. Learned AGA has vehemently opposed the prayer of applicants and submitted that after detailed investigation, charge sheet has been submitted. He also relied on the decision of Hon'ble Apex Court in the case of **CBI Vs. Aryan Singh** reported in **2023 SCC OnLine SC 379** and submitted that neither the evidences collected by the Investigating Officer can be evaluated nor the defence of applicant can be considered at this stage, therefore, the present application is liable to be dismissed.

5. Considering the submissions of learned counsel for the parties, going through the contents of application, judgment relied upon by the learned AGA as well as other relevant documents, it is evident that the evidences collected by the Investigating Officer cannot be evaluated at this stage, therefore, the present application is misconceived and liable to

be dismissed.

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

Order Date :- 18.12.2024

V. Sinha