

Court No. - 14

Case :- APPLICATION U/S 482 No. - 11609 of 2024

Applicant :- Smt. Rama Rani

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

Counsel for Applicant :- Jyoti Rajpoot

Counsel for Opposite Party :- G.A.

Hon'ble Ajai Kumar Srivastava-I,J.

1. Heard Ms. Jyoti Rajpoot, learned counsel for the applicant and learned A.G.A. for State-opposite party Nos.1, 2.

2. In view of the order, which is proposed to be passed today, notice to opposite party No.3 is hereby dispensed with.

3. The instant application under Section 482 Cr.P.C. has been filed by the applicant with a prayer to quash the order dated 24.08.2024 passed by learned Additional Chief Judicial Magistrate-II, Lucknow, whereby notice has been issued against the applicant as well as entire proceedings of Complaint Case No.4432/2024 (Ankita Dubey vs. Ayush Dubey and others), under Section 12 of Protection of Women from Domestic Violence Act, 2005, Police Station Golf city, District Lucknow.

4. Learned counsel for the applicant submits that applicant is mother-in-law of the opposite party No.3. She further submits that applicant lives separately and she has no concern with the day-to-day matrimonial discord between the opposite party No.3 and her husband, who is son of the present applicant. Therefore, she prays that impugned order dated 24.08.2024 as well as entire proceedings of Complaint Case No.4432/2024 may be quashed.

5. Per Contra, learned A.G.A. has submitted that, in fact, nothing has been done so far in this matter. It is at nascent stage. He has further submitted that only notice has been issued to the present applicant, who has every right to appear before learned trial court to show that she has nothing to do with the day-to-day matrimonial discord between the opposite party No.3 and her husband, who is son of the applicant. He has further submitted that applicant may also take all other legal and factual pleas including the plea of lack of jurisdiction of learned trial court.

6. Having heard learned counsel for the applicant, learned A.G.A. for the State and upon perusal of record, it transpires that by means of impugned order dated 24.08.2024 only notice has been issued to the present applicant, who has every right to appear before learned trial court to show that she has no concern with day-to-day matrimonial discord between the opposite party No.3 and her husband, who is son of the applicant.

7. In view of the above, in case, applicant appear before learned trial court concerned and files a response, learned trial court is expected to dispose of the same by means of reasoned and speaking order, in view of the pleas which may be taken by the applicant, with utmost expedition, in accordance with law.

8. With the aforesaid observation, the instant application under Section 482 Cr.P.C. is finally **disposed of.**

9. It is made clear that this Court has not observed anything on the merits of the case which is to be disposed of by learned trial court itself.

(Ajai Kumar Srivastava-I, J.)

Order Date :- 18.12.2024

Shubhankar