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**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

APPLICATION U/S 482 No. - 10537 of 2025

Alok Singh And 13 Others

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko. U.P.
And Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Bhup Chandra Singh, Ravi Pratap Singh

Counsel for Opposite Party(s) : G.A.

Court No. - 16

HON'BLE BRIJ RAJ SINGH, J.

1. Heard learned counsel for the applicants and the learned A.G.A. for the State and perused the record.
2. Keeping in view of nature of order going to be passed, issuance of notice to the private opposite party is hereby dispensed with.
2. The applicants have filed this application under Section 482 with the following main prayer:

"..... it is most respectfully prayed that this Hon'ble court may kindly be pleased to quash/set-aside the entire criminal proceedings of Complaint No. 5274/2021 (Anshul Singh versus Shyamveer Singh) under sections 323, 504, 506 IPC, Police Station - Mohanlalganj, Lucknow, and also quash the impugned order dated 06.11.2025 passed by learned Chief Judicial Magistrate, Lucknow in the said Complaint Case, so far as it relates with the applicants."

3. It is case of the applicants that Plot No 755, situated in Village Padmin Kheda, H/o Hulas Kheda, P.S. Mohanlalganj, District Lucknow, is *bhumidhari* land of applicant No. 3, Sandeep Singh Tomar, while the complainant of the present case has purchased only 1200 Sq. Ft. from the cousin grandfather of applicant No. 3, which was part of Gata No. 756

and constructed the house over the said area. Gata Nos. 755 and 756 are adjacent to each other and due to this reason, when the applicant No. 3 tried to make construction over his own Plot No. 755, the complainant and his family members forcibly, illegally, without any right, opposed the construction and quarrel took place. The F.I.R. has been registered by the applicant No. 3 regarding aforesaid occurrence. He has submitted that the opposite party No. 2 has filed the present complainant just to settle personal score and he has instituted complaint by giving colour to the effect that cross case has been instituted by both parties against each other. He further submitted that the applicants have been falsely implicated and no such incident ever took place.

4. Learned counsel for the applicants has further submitted that this court while dismissing the application under Section 482, Cr.P.C. directed the trial court to hear the discharge application and pass appropriate order, but the trial court while hearing the discharge application did not apply its mind and passed order, which is not sustainable in the eyes of law.

5. The learned A.G.A. has submitted that the court below after considering the statements of the complainant and witnesses recorded under Sections 200 and 202, Cr.P.C. passed the summoning order. There is no illegality in the said order and the present application deserves to be dismissed.

6. After hearing learned counsel for the parties and going through the record, I find that after recording statement of the complainant under Section 200, Cr.P.C. and statement of the witnesses under Section 202, Cr.P.C. summons have been issued after going through the record as well as statements of the complainant and the witnesses, which discloses offence. This court while hearing the discharge application cannot give its finding on merits whether the offence was committed by the applicants or not. The evidences cannot be weighed by this court for which trial is required. This court has limited jurisdiction while deciding discharge application to the extent that whether the charges are made out or not after looking into material on record. Unless the trial and testing is done, there cannot be any opinion which can be formed by this court while hearing the discharge application. The application is devoid of merits. It is

accordingly **dismissed.**

(Brij Raj Singh,J.)

December 16, 2025
A.Nigam