2026:AHC:189296

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 482 No. - 2068 of 2024

Ahmed Faraaz Raazi

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s) : Imran Ullah, Vineet Vikram
Counsel for Opposite Party(s): Faizul Hasan, G.A., Mahboob Ahmad Siddiqui

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Court No. - 82

HON'BLE HARVIR SINGH, J.

1. Heard Sri Imran Ullah, learned Senior Counsel assisted by Sri Vineet Vikram, learned counsel for the applicant, learned counsel for the opposite party no.2, learned A.G.A. for the State and perused the record.

2. The present application has been against the summoning order dated 21.10.2021 passed by learned A.C.J.M., Court No.2, Moradabad, by which applicant has been summoned under Sections 452, 323 and 506 IPC in Complaint Case No.26001 of 2021 (Taiyyab Faizan Akbar Vs. Md. Atif Shamsi and Another), Police Station Galshahid, District Moradabad.

3. Learned counsel for the applicant submitted that some business transaction was going on between the parties, as certain documents, such as a copy of invoice and other documents, have been placed on record to substantiate the fact that the parties are/were having some transaction between them. He further submitted that, on account of certain dues, the applicant had visited the house of the complainant to collect the outstanding dues from the complainant. However, the complainant has framed the applicant in a false case. He further submitted that, had there been no outstanding dues against the complainant, the question of visiting his house would not have arisen. He further submitted that

the complainant has stated that he was sitting at his house along with another witness, Haji Raees and Azeem, whereas PW-1, namely Azeem, stated that Haji Raees was also sitting there. He further submitted that initially PW-2, namely Haji Raees, did not name another witness, namely Atif, but at a later stage stated that Atif was also present. He further submitted, that the applicant and co-accused were two persons, whereas the persons at the spot were the complainant and two others. It is beyond imagination, that two persons have beaten and assaulted three persons. No other allegations have been levelled against the applicant. He further submitted that some conversation/altercation had taken place between the parties, for the reason that certain outstanding amount was pending with the complainant and the applicant and co-accused were well within their rights to receive the same, and nothing happened beyond the conversation between the parties. He further submitted that the nature of the dispute between the parties is that of civil in nature, and either party is at liberty to seek any appropriate civil remedy as provided under law. Learned counsel for the applicant submitted that, on the one hand, the complainant refused to clear the dues, on the other hand, has falsely implicated the applicant and co-accused in order to escape from the liability and dues upon him.

4. Learned counsel for the opposite party no.2., on the other hand, submitted that the impugned summoning order dated 21.10.2021 has been passed on the basis of the correct facts and the incident, as narrated by the complainant. He submitted that no interference by this Court is warranted and, prayed that the present application is devoid of merit, the same is liable to be dismissed.

5. Having considered the rival submissions advanced by learned counsel for the parties and upon perusal of the record, it appears that some conversation would have taken place between the parties, but the facts have been exaggerated and there is no medical injury at all, of any nature whatsoever. It also appears that two persons have allegedly assaulted three persons at the

residence of the complainant, whereas the complainant was in a better position, as the complainant and two other persons were reported to be sitting at the house of the complainant, whereas the accused persons were only two being visitors, and, therefore, it appears doubtful that two persons have assaulted three persons without any weapon with them, as no weapon of any nature whatsoever has been stated to be in the hands of the accused applicant and co-accused. If the applicant and co-accused were having any intention to forcibly assault the complainant side, the applicant and co-accused would have arrived at the residence of the complainant with certain weapons of any nature whatsoever, but it was only to receive the outstanding amount due upon the complainant and nothing more.

6. Under such circumstances, incident appears to be a fabricated event not more than any conversation between the parties and, therefore, summoning order dated 21.10.2021 passed by learned A.C.J.M., Court No.2, Moradabad, in Complaint Case No.26001 of 2021 (Taiyyab Faizan Akbar Vs. Md. Atif Shamsi and Another), under Sections 452, 323 and 506 IPC, Police Station Galshahid, District Moradabad. as well as the entire proceedings arising therefrom, are liable to be quashed and set aside, hence, are hereby quashed.

7. Accordingly, the present application U/s 482 Cr.P.C. is **allowed**.

September 10, 2026
Mini

(Harvir Singh,J.)

Digitally signed by :-
MINI KANAUJIYA
High Court of Judicature at Allahabad