HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

APPLICATION U/S 482 No. - 4867 of 2026

Daya Shanker Dubey

.....Applicant(s)

Versus

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

.....Opposite Party(s)

Counsel for Applicant(s)	:	Gyan Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 13

HON'BLE PRAVEEN KUMAR GIRI, J.

1. Heard Sri Rajesh Kumar Srivastava, learned counsel for the applicants and Ms. Neetu Shukla, learned counsel for O.P. No.2, whose Vakalatnama is taken on record.

2. Learned counsel for the applicant submits that he has filed the instant application under Section 482 Cr.P.C. with the relief which has been mentioned in the prayer clause of the application. The relief which has been mentioned in the application is delineated below:-

> *"it is expedient in the interest of justice that this Hon'ble court may kindly be pleased to Stay the proceeding of the Criminal Complaint Case no. 30 of 2024 (Smt. Sarita Pandey Vs. Smt. Arti Dubey and another) Under Section 323 of I.P.C. Police Station Lalgaunj District Pratapgargh filed by the Opposite Party no.2 Pending before the Additional Chief Judicial Magistrate Lalganj District Pratagargh. It is further prayed that this Hon'ble Court may kindly be pleased to Stay the operation of the order dated 29.4.2025 passed by Additional Chief Judicial Magistrate Lalgaung District Pratapgargh and order dated 4.4.2026 passed by Additional Chief Judicial Magistrate Lalgaung District Pratapgargh in Criminal Complaint Case no. 30 of 2024 (Smt. Sarita Pandey Vs. Smt. Arti Dubey and an other) Under Section 323 of I.P.C. Police Station Lalgaunj District Pratapgargh during the pendency of the aforesaid case before this Hon'ble court, So that justice may be done with the applicant, otherwise the applicant will suffer great irreparable loss and injury. "*

3. Learned counsel for the applicant submits that applicant's daughter was married with son of O.P. No.2. He further submits that the instant criminal proceedings is nothing else but a counter blast to the case lodged by the applicant's daughter against her husband and in-laws, just to put undue pressure on the applicant's daughter to withdraw her case. He further submits that the trial court has taken cognizance and summoned the applicant in the impugned criminal proceedings vide order dated 29.04.2025, without affording any opportunity of hearing to the accused/applicant, which is contrary to the provisions of the First Proviso of Section 223(1) of the BNSS, and hence, the same is liable to be quashed.

4. Learned counsel for O.P. No.2 prays for and is granted one week's time to file counter affidavit. One week thereafter will be available to the learned counsel for the applicant for filing rejoinder affidavit.

5. List this case on 03.07.2026.

6. Until further orders of this Court, the further proceedings of Criminal Complaint Case No.30 of 2024 (Smt. Sarita Pandey vs. Smt. Arti Dubey and another) under section 323 IPC, Police Station-Lalganj, District Pratapgarh pending in the court of Additional Chief Judicial Magistrate, Lalgaung, District-Pratapgarh, shall remain stayed.

(Praveen Kumar Giri,J.)

June 11, 2026
Manish Himwan

Digitally signed by :-
MANISH HIMWAN
High Court of Judicature at Allahabad,
Lucknow Bench