HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 482 No. - 37796 of 2024

Satyajeet Singh

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Adya Prasad Tewari
Counsel for Opposite Party(s)	:	G.A.

Court No. - 79

HON'BLE MADAN PAL SINGH, J.

1. Case called out in the revised call. Despite service of notice, none has appeared on behalf of the opposite party no. 2 to press the present application.

2. Heard Sri Adya Prasad Tewari, learned counsel for the applicant and learned A.G.A. for the State.

3. The present application under Section 482 Cr.P.C. has been filed by the applicant seeking to quash the charge-sheet dated 05.06.2024 and the summoning order dated 02.08.2024 passed by the learned Judicial Magistrate-III, Gorakhpur, as well as the entire proceedings of Criminal Case No. 34630 of 2024, arising out of Case Crime No. 0055 of 2024, under Sections 504 and 506 I.P.C., Police Station Gida, District Gorakhpur.

3. The brief facts of the case are that opposite party no. 2, Vishwambhar Upadhyay, lodged a written report at Police Station Gida on 12.02.2024, which was registered at 19:16 hours as Case Crime No. 0055 of 2024 under Sections 504 and 506 I.P.C. It was alleged that on 11.02.2024, he went to the applicant, Satyajeet Singh, son of Sunil Singh, resident of Baghagara, Police Station Gida, District Gorakhpur, to demand the return of his money amounting to Rs. 10,60,000/-. At that time, the applicant and Shatrujeet Singh, sons of Sunil Singh, abused him and threatened to kill him. It was further alleged that all three persons, namely Sunil Singh, the applicant and Shatrujeet Singh, threatened that he would be beaten if he came there again. The F.I.R.

does not mention the time or place of the alleged incident.

4. During investigation, the Investigating Officer found no evidence against Sunil Singh and Shatrujeet Singh and submitted the charge-sheet dated 05.06.2024 against the applicant alone under Sections 504 and 506 I.P.C. The learned Magistrate, vide order dated 02.08.2024, took cognizance and summoned the applicant. The aforesaid charge-sheet, summoning order and entire proceedings are under challenge in the present application.

5. Learned counsel for the applicant submits that the F.I.R. has been lodged on false and baseless allegations only to harass the applicant. It is submitted that the dispute between the parties is purely related to money. Opposite party no. 2 had taken Rs. 50,000/- from the father of the applicant on 17.10.2019 with a promise to return the same within six months, but he failed to do so. In order to avoid repayment, he has falsely implicated the applicant in the present criminal case.

6. It is further submitted that, apart from the F.I.R. and the statement of the informant, there is no material in the case diary to support the prosecution case. The independent witnesses, namely Dileep Kumar Maurya, Shailesh Kumar Singh, Shravan Kumar, Amitesh Pratap Maurya, Amit Rai and Aditya Nishad, did not support the prosecution version. None of them stated that they had witnessed the alleged incident. Despite this, the Investigating Officer submitted the charge-sheet against the applicant only on the basis of the statement of the informant, after exonerating the other two named accused.

7. Learned counsel for the applicant further submits that neither the F.I.R. nor the statement of the informant mentions the time of the alleged incident. Thus, the prosecution story is vague and doubtful. It is also submitted that the necessary ingredients of Sections 504 and 506 I.P.C. are not made out against the applicant. There is no allegation showing that the applicant intentionally insulted the informant with the intention of provoking him to commit a breach of public peace or that any threat was given with the intention to cause alarm. It is further submitted that the learned Magistrate passed the summoning order in a mechanical manner without properly examining the material collected during investigation.

8. Per contra, learned A.G.A., opposed the submission advanced by learned counsel for the applicant and submits that the Investigating Officer conducted a fair and proper investigation. During investigation, several independent witnesses were examined and call detail records were also collected. The material collected during investigation establishes the financial transaction between the applicant and opposite party no. 2 and also supports the allegation that the applicant abused and threatened the informant with serious consequences. It is further submitted by learned A.G.A. that the applicant has no criminal history, but his involvement in the present offence is clearly established. The submissions made on behalf of the applicant relate to disputed questions of fact, which can be considered by the trial court during trial.

9. I have considered the submissions advanced by learned counsel for the parties and perused the record.

10. The power under Section 482 Cr.P.C. is to be exercised sparingly and with care. However, in **State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335**, the Hon'ble Supreme Court has held that where the allegations made in the F.I.R. or complaint, even if accepted as true, do not disclose any offence, or where the criminal proceedings are clearly frivolous, vexatious or have been initiated with an ulterior motive, this Court can quash such proceedings to prevent abuse of the process of the court and to secure the ends of justice.

11. At this stage, the Court is not required to examine the evidence in detail. However, the Court can only examine whether the allegations made in the F.I.R. and the material collected during investigation disclose the necessary ingredients of the offences alleged against the applicant.

12. In the present case, the applicant has been charge-sheeted for the offences under Sections 504 and 506 I.P.C. Section 504 I.P.C. requires an intentional insult with the intention of provoking a person, with knowledge that such provocation is likely to cause a breach of public peace or commission of another offence. Similarly, Section 506 I.P.C. relates to criminal intimidation. As provided under Section 503 I.P.C., criminal intimidation requires a threat of injury to the person,

reputation or property of another person, with the intention of causing alarm to that person.

13. In the present case, the F.I.R. only alleges that when the informant went to demand his money, the applicant and other persons abused him and threatened to kill him. It is further alleged that he was threatened with beating if he came there again. However, the F.I.R. does not disclose the actual words used by the applicant. It also does not mention the time and place of the alleged incident or any other circumstance showing that the alleged insult was intended to provoke the informant to commit a breach of public peace. The statement of the informant recorded under Section 161 Cr.P.C. also repeats the same allegations without giving any further details.

14. The Hon'ble Supreme Court in **Manik Taneja v. State of Karnataka, 2015 (7) SCC 423**, has held that merely using certain words, without any intention to cause alarm, is not sufficient to constitute the offence of criminal intimidation.

15. The Hon'ble Supreme Court has also reiterated the same view in **Tuhin Kumar Biswas v. State of W.B., 2025 SCC OnLine SC 2604**, wherein it has been held as follows:

> *"Further, in order to constitute an offence of criminal intimidation punishable under Section 506 IPC, it must be shown that the person charged threatened another with injury to his person, reputation or property, or to the person or reputation of anyone in whom that person is interested, with intent to cause alarm. Except for the bald allegation that the appellant-accused intimidated the complainant by clicking her photographs, the FIR and chargesheet are completely silent about the manner in which the complainant was threatened with any injury to her person or her property. The words, if any, uttered by the complainant are not mentioned in the FIR. Consequently, even if the allegations in the FIR are taken at face value, the ingredients of the offence of criminal intimidation are not attracted."*

20. In view of the facts of the present case, it appears that the allegation of threatening to kill the informant is general in nature and has been made against three persons collectively. No specific words used by the applicant or details of the alleged threat have been mentioned. The material collected during investigation also does not provide any

further details to support this allegation.

21. It is also relevant to note that all the independent witnesses examined during investigation, namely Dileep Kumar Maurya, Shailesh Kumar Singh, Shravan Kumar, Amitesh Pratap Maurya, Amit Rai and Aditya Nishad, did not support the prosecution version. None of them stated that they had witnessed the alleged incident. Further, the two other persons named in the F.I.R. were also exonerated by the Investigating Officer and the charge-sheet was submitted against the applicant alone on the basis of the statement of the informant.

22. The F.I.R. itself shows that the alleged incident took place when the informant went to demand his money from the applicant. Thus, the dispute between the parties appears to be related to money. This circumstance also supports the submission of learned counsel for the applicant that the criminal proceedings have been initiated due to the monetary dispute between the parties.

23. Therefore, this Court is of the view that continuation of the criminal proceedings against the applicant would amount to an abuse of the process of the court.

24. Accordingly, the application under Section 482 Cr.P.C. is **allowed** and the entire proceedings of Criminal Case No. 34630 of 2024 (*State vs. Satyajeet Singh*), arising out of Case Crime No. 0055 of 2024, under Sections 504 and 506 I.P.C., Police Station Gida, District Gorakhpur, pending before the learned Judicial Magistrate-III, Gorakhpur, are hereby **quashed**.

October 29, 2026
Akbar

(Madan Pal Singh,J.)

Digitally signed by :-
MOHAMMAD AKBAR
High Court of Judicature at Allahabad