
(2010) 09 AHC CK 0114
In the Allahabad High Court
Case No : U/S 482/378/407 No. 3642 of 2010

Jagdish Singh and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 16-09-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 323, 504, 506
Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 —
Section 3

Citation : (2010) 09 AHC CK 0114

Hon'ble Judges : Raj Mani Chauhan, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Raj Mani Chauhan, J.—Heard the learned Counsel for the petitioners and learned A.G.A. as well as perused the documents available on record.

2. This petition u/s 482 of the Code of Criminal Procedure has been filed by the petitioners with the following prayers:

1. To issue a order or direction for quashing the impugned order of summoning dated 15.6.2010, passed by the opposite party No. 2 in complaint No. 4487 of 2010, under Sections 323, 504, 506 I.P.C. and Section 3(i)(x) SC/ST Act as contained in annexure No. 1 to this petition.

2. Issue an order or direction for quashing the entire proceedings of the complaint case No. 4487 of 2010, under Sections 323, 504, 506 I.P.C. and Section 3(i)(x) SC/ST Act, Police Station Lonar, District Hardoi, pending before the court of learned A.C.J.M. Vth, Hardoi as contained in annexure No. 3 to the petition.

3. The submission of the learned Counsel for the petitioners is that there is dispute between the complainant opposite party No. 2 and accused petitioner No.

1. A civil suit is already pending between the parties. The complainant opposite party No. 3 just to harass the accused petitioners has filed the present complaint in retaliation. The accused petitioner Nos. 2 and 3 are school going students. The complainant opposite party No. 2 wants to ruin their future too. Therefore, the proceeding of the criminal case No. 4487 of 2010 being malafide is liable to be quashed.

4. Learned A.G.A. supported the summoning order passed by the learned Additional Chief Judicial Magistrate, Vth, Hardoi.

5. I have gone through the complaint filed by the complainant opposite party No. 3 as well as the impugned summoning order, passed by the learned Additional Chief Judicial Magistrate Vth, Hardoi, which in my opinion, does not suffer from any illegality and as such the same does not call for any interference. The petition is devoid of any merit and is liable to be dismissed.

6. The petition is, therefore, dismissed.

7. However, keeping in view the facts and circumstances of the case, it is provided that in case the accused petitioners appear before the court below within 30 days from today and move any application for bail in the aforesaid sections, the same will be heard and decided by both the courts below expeditiously, preferably, on the same day. It is further provided that the accused petitioner Nos. 2 and 3 who are students, if after release on bail move any application for their appearance through counsel, their application will be allowed by the trial court with the condition that they will personally appear before the court as and when their appearance will be needed.

7. Till then, the warrant issued by the trial court against the accused petitioners will be kept in abeyance.