



2026:AHC-LKO:19876

**HIGH COURT OF JUDICATURE AT ALLAHABAD  
LUCKNOW**

**APPLICATION U/S 482 No. - 6848 of 2017**

Guddu And Others

.....Applicant(s)

Versus

State Of U.P. And Anr.

.....Opposite  
Party(s)

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|-------------------------------|---|---------------------------------------|
| Counsel for Applicant(s)      | : | Pradeep Kumar Tripathi                |
| Counsel for Opposite Party(s) | : | Govt. Advocate, Rakesh Kumar Tripathi |

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**Court No. - 16**

**HON'BLE BRIJ RAJ SINGH, J.**

1. Case called out in the revised. Learned counsel for the applicants and learned AGA for the State are present. None appears for opposite party no.2.
2. Heard learned counsel for the applicants, and learned AGA for the State.
3. The present application has been filed seeking quashing of the summoning order dated 13.6.2017 passed by the Additional Chief Judicial Magistrate, Court no.2, Sitapur in Complaint no.7602 of 2017 (Shakuntala vs. Guddu and others) under Sections 498A, 323, 504, 506, 452 IPC, Police Station Pisawan, District Sitapur.
4. It has been submitted by learned counsel for the applicants that the marriage of applicant no.1 was performed with opposite party no.2 on 19.4.2012. The opposite party no.2 has left the house of applicant no.1 and went to her parents' house. She did not return back, therefore, applicant no.1 had filed an application for Restitution of Conjugal Rights on 12.11.2012. He has further submitted that in the mediation proceedings before the Police Station concerned on 8.11.2012, applicant no.1 was present, but opposite party no.2 was not present, despite notice. It has been submitted that general allegation of demand of one motorcycle

and one buffalo has been levelled against the applicant no.1 and other family members. He submits that the proceedings against the entire family members have been instituted and the case of applicant nos.2 to 6 is covered by the judgement of the Supreme Court in the case of ***Geeta Mehrotra and another vs. State of U.P. and others, (2012) 10 SCC 741.***

5. After going through the record, I find that there is general allegation of demand of one motorcycle and one buffalo against the family members, who are in-laws of opposite party no.2. The applicant nos.2 to 6 being the family members of husband of opposite party no.2 have been implicated in the present case, making general allegations, therefore, the case of the applicant nos.2 to 6 is squarely covered by the judgement of the Supreme Court in the case of ***Geeta Mehrotra and another vs. State of U.P. and others, (2012) 10 SCC 741.***

6. In view of above, the application is ***allowed*** so far as applicants no.2 to 6 are concerned and the entire and all consequential proceedings of Complaint no.7602 of 2017 (Shakuntala vs. Guddu and others) under Sections 498A, 323, 504, 506, 452 IPC, Police Station Pisawan, District Sitapur, in respect of applicant nos.2 to 6, pending before the court below, are quashed.

7. At this juncture, learned counsel for the applicants submits that he does not want to press this application on merits on behalf of applicant no.1 (husband). However, he prays that applicant no.1 may be granted liberty to move an application for discharge under the provisions of Cr.P.C., to which learned counsel for the State, does not have any objection.

8. Accordingly, the applicant no.1 is granted liberty to file an application for discharge in conformity with the provisions of Cr.P.C., within a period of two weeks from today. After the said application is filed, the trial court is directed to dispose of the same within a period of four weeks thereafter. Till expiry of six weeks or till disposal of the discharge application, further

proceedings in the aforesaid case shall remain stayed in respect of applicant no.1.

9. This application on behalf of applicant no.1 stands ***disposed of***.

10. The amount of Rs.10,000/- deposited by the applicant no.1 will be returned to him, on an application being moved by applicant no.1.

**March 18, 2026**

Sachin

**(Brij Raj Singh,J.)**