

# **Rikshabh And Another vs State Of U.P. And Another on 26 July, 2022**

**Author: Rajeev Misra**

**Bench: Rajeev Misra**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Court No. - 80

Case :- APPLICATION U/S 482 No. - 14677 of 2022

Applicant :- Rikshabh And Another

Opposite Party :- State Of U.P. And Another

Counsel for Applicant :- Sudhir Kant Dixit

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Misra,J.

Heard Mr. Sudhir Kant Dixit, the learned counsel for applicants and the learned A.G.A. for State.

Perused the record.

This application under Section 482 Cr.P.C. has been filed challenging summoning order dated 11.03.2022 passed by Additional Chief Judicial Magistrate, Hathras, in Case No. 235 of 2022 (State Vs. Rikshabh and another), under Sections 26 (2) (II) and 1/51 and 59 (I) Food Safety and Standard Act, 2006, Police Station Sadabad, District Hathras, as well as entire proceedings of aforementioned complaint case now pending in the Court of Additional Chief Judicial Magistrate, Hathras.

Learned counsel for applicants contends that the complaint was filed by complainant opposite party 2 before Court concerned on 11.3.2022 and on the same day, summoning order has been passed by the Court below. On the aforesaid premise, learned counsel for applicants submits that summoning order passed by Court below is manifestly illegal, as no exercise in compliance of Sections 200 and 202 Cr. P. C. was undertaken by Court below. He, therefore, submits that impugned summoning

order passed by Court below is liable to be set aside by this Court.

Per contra, the learned A.G.A. has opposed this application. He contends that the complaint filed by complainant opposite party 2 is a statutory complaint and therefore there is no statutory obligation upon Court below to comply with the provisions of Sections 200 and 202 Cr. P. C. before summoning the applicants who are accused. As such, no indulgence be granted by this Court in favour of applicants.

When confronted with above, the learned counsel for applicants could not overcome the same.

In view of above, present application fails and is liable to be dismissed.

It is, accordingly, dismissed.

Order Date :- 26.7.2022/HSM