

Court No. - 15

Case :- APPLICATION U/S 482 No. - 2860 of 2025

Applicant :- Rahul Gandhi

Opposite Party :- State Of U.P. Thru. Secy. Home Lko. And Another

Counsel for Applicant :- Mohd. Yasir Abbasi, Mohammed Samar Ansari, Pranshu Agrawal

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Pranshu Agrawal, Sri Mohd. Yasir Abbasi & Sri Mohd. Sameer Ansari, the learned counsel for the petitioner, Sri V.K. Singh, the learned Government Advocate assisted by Sri Anurag Verma, the learned A.G.A.-I and Sri Shivendra Shivam Singh Rathore & Sri Punit Kumar Yadav, the learned State Counsel appearing on behalf of the State and perused the records.

2. By means of the instant application filed under Section 482 Cr.P.C. the petitioner has challenged an order dated 03.10.2024, passed by learned District Judge, MP/MLA Court, Court No.19, Lucknow in Criminal Revision No.547 of 2023, an order dated 12.12.2024, passed by learned Additional Chief Judicial Magistrate-III, Lucknow in Complaint No.126818 of 2022, whereby the petitioner has been summoned to face trial of offence under Sections 153-A, 505 I.P.C. and quashing of the entire proceedings of the aforesaid case.

3. The opposite party no.2 had filed an application under Section 156 (3) Cr.P.C. against the petitioner, which was treated as a complaint and which was dismissed by means of an order dated 14.06.2023, passed by learned Additional Chief Judicial

Magistrate-III, Court No.27, Lucknow under Section 203 Cr.P.C.

4. The opposite party no.2 had filed Criminal Revision No.547 of 2023 against the order dated 14.06.2023. The revision has been allowed by means of a judgment and order dated 03.10.2024, whereby the order dated 14.06.2023 dismissing the complaint was set aside on the ground that the conclusions arrived at by the learned Magistrate are without any basis and bereft of appreciation of the material available on record. The matter was remanded to the learned trial court for passing a reasoned order afresh in accordance with law.

5. It is in furtherance of the aforesaid order that the trial court has passed an order dated 12.12.2024 summoning the petitioner to face trial for the offences under Sections 153-A and 505 I.P.C. Therefore the order dated 03.10.2024, passed in the revision has been acted upon and stands exhausted. The challenge made thereto at this belated stage after the order has been acted upon and stands exhausted, cannot be entertained.

6. So far as the challenge made to the order dated 12.12.2024, passed by the learned Additional Chief Judicial Magistrate is concerned, the petitioner has the statutory remedy of filing a revision under Section 397/399 Cr.P.C. against the aforesaid order.

7. The inherent powers of this court recognized by Section 482 Cr.P.C. are meant to be invoked to secure the ends of justice. This power is discretionary and this discretion is normally not invoked when the petitioner has got a statutory remedy available to him. As the petitioner has got a statutory remedy of filing a revision under Section 397/399 Cr.P.C. this court does

not find it a fit case warranting exercise of its inherent powers under Section 482 Cr.P.C.

8. Accordingly, the application is **dismissed**.

(Subhash Vidyarthi, J.)

Order Date :- 4.4.2025

Ram.