

Court No. - 88

Case :- APPLICATION U/S 482 No. - 4189 of 2021

Applicant :- Rahul Sharma And 2 Others

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Rajesh Sharma

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh,J.

1-Heard learned counsel for the applicants, learned Additional Government Advocate for the State of U.P./opposite party no.1 and perused the record.

2-This application under Section 482 Cr.P.C. has been filed by the applicants to quash the summoning order dated 03.09.2020 passed by learned A.C.J.M., Court No. 06, Aligarh as well as proceedings of Criminal Case No. 1185 of 2020 arising out of Case Crime No. 247 of 2018, under Sections 498-A, 323 I.P.C. and Section 3/4 of Dowry Prohibition Act, Police Station Jawan, District Aligarh.

3-At the time when this application was filed, the prayer for quashing the proceedings against applicant no.1-Rahul Sharma (husband of opposite party no.2) was refused, whereas interim protection was granted to applicant no.2-Mahesh Chandra and applicant no.3-Manju Devi, who are father-in-law and mother-in-law of opposite part no.2 vide order dated 17.02.2021, which was lastly extended on 12.05.2022.

4-On perusal of F.I.R. dated 07.08.2018, I find that there is allegation of transfer of a sum of Rs. 12 lac by father of opposite party no.2 in the account of applicant no.2-Mahesh Chand. In the F.I.R. further allegation of assault with intention to kill has also been levelled against the accused persons.

5-Learned counsel for the applicants after advancing his arguments at some length and putting certain query by the Court, gave up his challenge to the aforesaid impugned summoning order as well as

impugned criminal proceedings against the applicants and confined his submission requesting to grant some protection to the applicants to surrender before the concerned court below. The learned counsel for the applicants further stated at the Bar that he is not pressing any other prayer made in this application on merits and prayed that a direction may be issued to the concerned courts below to consider and decide the bail application of the applicants expeditiously.

6-Learned A.G.A. for the State of U.P. submits that in case the applicants are not pressing the relief as sought for by them on merits and want to surrender before the concerned court below, he has no objection if the Court grants protection to them for a short period.

7-In view of the above, the relief as sought by the applicants in the instant application is refused.

8-However considering the aforesaid alternative prayer made by learned counsel for the applicants, it is directed that the applicants shall surrender before the concerned court below within two weeks from today and in case they apply for bail, the bail application of the applicants shall be disposed of expeditiously by the courts below in accordance with law and keeping in view the guidelines as laid down by the Apex Court in the case of **Satender Kumar Antil vs Central Bureau of Investigation and another**, reported in **2021 SCC Online SC 922**.

9-For the period of two weeks from today or till the time of surrender of the applicants before the concerned court below, whichever is earlier, they shall not be arrested in the above case.

10-With the above observations and directions, this application under Section 482 Cr.P.C. is disposed of.

11-Pending application, if any, stands disposed of.

Order Date :- 16.11.2023

Kashifa