

Court No. - 90

Case :- APPLICATION U/S 482 No. - 5729 of 2023

Applicant :- Harpreet Kaur And 4 Others

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

Counsel for Applicant :- Keshawa Prasad Pandey, Krishna Chandra Pandey

Counsel for Opposite Party :- G.A., Ajeet Kumar Srivastava

Hon'ble Dinesh Pathak, J.

1. Heard learned counsel for the applicants, learned AGA and perused the record.

2. The present applicants have invoked the inherent power of this Court under Section 482 CrPC beseeching the quashing of cognizance/summoning order dated 13.5.2022 as well as entire criminal proceeding of Complaint Case No. 10465 of 2021 (Har Charan Vs. Ramindar Singh & others), under Sections 323, 504, 506 and 379 IPC, Police Station Kotwali, District Jaunpur pending before Additional Civil Judge (Junior Division)-Ist/Judicial Magistrate, Jaunpur.

3. It has been submitted by Opposite Party No. 2 that the summoning order dated 13.5.2022, which is under challenge before this Court, has already been assailed by Opposite Party No. 2 by preferring criminal revision being Criminal Revision No. 68 of 2023. Learned Revisional Court i.e. First Additional Sessions Judge, Jaunpur, vide order dated 14.6.2023, has allowed the revision and set aside the summoning order dated 13.5.2022. While passing the order dated 14.6.2023, the revisional court has remitted the matter before the court below with a direction that the matter shall be decided afresh after giving opportunity of hearing to the parties concerned. Certified copy of the order dated 14.6.2023 passed by the revisional court is filed as annexure No. 1 to the short counter affidavit. The factum of order dated 14.6.2023 has not been denied by the applicant.

4. In this conspectus, as above, there is no existence of the order dated 13.5.2022, which has been assailed by the present applicant in the instant application, therefore, instant application has become infructuous.

5. As such, the instant application is hereby dismissed as having become infructuous.

Order Date :- 7.11.2023
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