

Court No. - 87

Case :- APPLICATION U/S 482 No. - 18629 of 2023

Applicant :- Priyansh Dixit

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

Counsel for Applicant :- Ashish Chitranshi

Counsel for Opposite Party :- G.A.,Pt. S.P. Sharma

Hon'ble Neeraj Tiwari,J.

1. Heard Sri Ashish Chitranshi, learned counsel for the applicant, learned AGA and Pt. S.P. Sharma, learned counsel for opposite party no. 2.

2. The present 482 Cr.P.C. application has been filed to quash entire proceedings of Criminal Case No. 22502 of 2022, arising out of Case Crime No. 09 of 2022, under Sections 498-A, 323, 504 I.P.C. and 3/4 D.P. Act, Police Station Mahila Thana, District Jhansi pending before the Civil Judge (J.D.) / F.T.C. (C.A.W.), Jhansi.

3. Pt. S.P. Sharma, learned counsel for opposite party no. 2 submitted that till date, applicant has not deposited Rs. 50,000/- as directed by this Court vide order dated 19.5.2023, therefore, this Court may please to vacate the interim order.

4. The contention of learned counsel for the applicant is that no offence against the applicant is disclosed and the present prosecution has been instituted with a malafide intention for the purpose of causing harassment. He pointed out certain documents and statements in support of his contention.

5. From the perusal of the material on record and looking into the facts of the case at this stage it cannot be said that no offence is made out against the applicant at this stage. All the submissions made at the bar, relate to the disputed questions of fact, which cannot be adjudicated upon by this Court under Section 482 Cr.P.C. At this stage only prima facie case is to be seen in the light of the law laid down by Supreme Court in cases of ***R.P. Kapur Vs. State of Punjab, A.I.R. 1960 S.C. 866, State of Haryana Vs. Bhajan Lal, 1992 SCC (Cr.) 426, State of Bihar Vs. P.P.Sharma, 1992 SCC (Cr.) 192 and lastly Zandu Pharmaceutical Works Ltd. Vs. Mohd. Saraful Haq and another (Para-10) 2005 SCC (Cr.)***

283. The disputed defence of the accused cannot be considered at this stage.

6. At this stage, learned counsel for the applicant submitted that applicant is ready to surrender before the trial Court for obtaining bail and for that some protection may be granted to him.

7. However considering the aforesaid alternative prayer made by learned counsel for the applicant, it is directed that the applicant shall surrender before the concerned court below within four weeks from today and in case he applies for bail, the bail application of the applicant 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.

8. For the period of four weeks from today or till the time of surrender of the applicant before the concerned court below, whichever is earlier, he shall not be arrested in the above case.

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

Order Date :- 6.11.2023

Arvind