

Court No. - 88

Case :- APPLICATION U/S 482 No. - 21357 of 2022

Applicant :- Vijay Kumar Singh And 2 Others

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

Counsel for Applicant :- Satya Priya Mishra, Harihar Prasad Tripathi

Counsel for Opposite Party :- G.A., Girish Kumar Gupta

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, learned counsel for the opposite party no.2 and perused the record.

2-This application under Section 482 Cr.P.C. has been filed by the applicants to quash the charge-sheet no. 31 of 2021, dated 26.01.2018, summoning order dated 26.02.2018 and proceedings of case crime no. 329 of 2017, under Sections 498-A, 323, 504 I.P.C. and Sections 3/4 D.P. Act, Police Station Adalhat, District Mirzapur pending in the court of Civil Judge (J.D.) F.T.C., Mahila Court, Mirzapur.

3-When the instant application was filed in the year 2022, matter was referred to mediation vide order dated 21.07.2022 but the applicants did not appear before the mediation centre on 13.11.2022 and 04.12.2022, therefore, mediation has failed.

4-Today on the matter being taken up, learned counsel for the applicants gave up his challenge to the aforesaid impugned charge-sheet, summoning order and 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.

5-Learned counsel appearing on behalf of opposite party no. 2 submits that since the applicants did not comply with the order of this Court dated 21.07.2022, therefore, they are not entitled for any relief.

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 wants 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.

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, no coercive action shall be taken against the applicants.

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

Order Date :- 12.12.2023

Saurabh