

Court No. - 88

Case :- APPLICATION U/S 482 No. - 26645 of 2023

Applicant :- Smt. Meera Devi And Another

Opposite Party :- State Of U.P.And Another

Counsel for Applicant :- Karunesh Narayan Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh,J.

Heard learned counsel for the applicants, learned Additional Government Advocate for the State/opposite party no.1.

This application under Section 482 Cr.P.C. has been filed by the applicants with a prayer to quash the charge-sheet no. 37 of 2022 dated 05.07.2022, cognizance order dated 24.08.2022 and proceedings of criminal case no. 608 of 2022 (*State vs. Bhanendra and others*) arising out of case crime no. 25 of 2022, under Sections 498-A, 323, 504, 506 I.P.C. and Sections 3/4 D.P. Act, Police Station Mahila Thana, District Sambhal pending in the court of Civil Judge (J.D.)/F.T.C., Sambhal at Chandausi.

It is submitted by learned counsel for the applicants that the applicants are sister-in-law and brother-in-law of the opposite party no. 2. The applicants are on bail vide order dated 16.05.2023 passed by Civil Judge, J.D./F.T.C., Sambhal at Chandausi.

After advancing some argument at length and putting certain query by the Court, learned counsel for the applicants submitted that since the applicants are already on bail in this case, therefore, they may be permitted to move a discharge application before the court concerned raising their objections. Learned counsel for the applicants also submits that moving a discharge application before the concerned trial Court is a legal / statutory right of the accused, therefore he is not pressing any further relief as claimed by applicants by means of this application at this stage.

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 move discharge application, he has no objection.

Accordingly, the relief as sought by the applicants in the instant application is refused.

However considering the above alternative prayer of the applicants, it is directed that in case the discharge application is moved by the applicants before the court concerned at the appropriate stage, the same shall be decided by the court concerned by speaking order in accordance with law.

With the aforesaid observations and direction, the application is ***disposed of***.

Order Date :- 16.10.2023

Saurabh