

Court No. - 88

Case :- APPLICATION U/S 482 No. - 31326 of 2023

Applicant :- Vikas Awasthi And 2 Others

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

Counsel for Applicant :- Ankit Singh

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 and perused the record.

This application under Section 482 Cr.P.C. has been filed by the applicants with a prayer to quash the charge-sheet dated 20.10.2020, under Sections 323, 504, 506 IPC against the Vikas Awasthi, Rahul Awasthi and Ritika Awasthi in Case Crime No. 427 of 2020, P.S. Kidwai Nagar, District Kanpur Nagar and consequential entire proceeding of Case No. 93493 of 2021, State of U.P. s. Vikas Awasthi and others, in Case Crime No. 427 of 2020, P.S. Kidwai Nagar, District Kanpur Nagar, pending in the Court of Additional Civil Judge (Junior Division)-II, Kanpur Nagar.

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 want 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 :- 17.10.2023

S.A.