

Court No. - 88

Case :- APPLICATION U/S 482 No. - 32784 of 2023

Applicant :- Tahir And 2 Others

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

Counsel for Applicant :- Mohd. Aslam Khan

Counsel for Opposite Party :- G.A.

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 and perused the record.

2. This application under Section 482 Cr.P.C. has been filed by the applicants with a prayer to quash the charge-sheet dated 24.01.2023, cognizance order dated 12.05.2023 and proceedings of Criminal Case No. 3576 of 2023 (State Vs. Tahir and others) arising out of Case Crime No. 479 of 2022, under Sections 420, 467, 468, 471 I.P.C., Police Station Kairana, District Shamli, pending in the court of learned Chief Judicial Magistrate, Shamli.

3. On 01.12.2023 following order was passed by this Court:-

"From perusal of the record, I find that the main grievance of the opposite party no.2 is that in the sale deed dated 29.05.2021 executed by her husband in favour of applicant no.1, it is mentioned that sale consideration amount Rs. 4,00,000/- has been transferred in the Account No. 91740100137188 of the U.P. Gramin Bank, which belongs to her husband-Dilshad but after obtaining the statement of bank account from 12.10.2018 to 07.12.2021, amount of Rs. 4,00,000/- was not found to be credited in his account, therefore, she lodged F.I.R. against the applicants.

On putting query with regard to bank statement, no satisfactory reply has been given by the learned counsel for the applicants. However, he prays for and is allowed a week's time to file supplementary affidavit bringing on record the bank statement in order to show the transfer of above mentioned sale consideration amount in the account of Dilshad.

Put up this case as fresh on 11.12.2023. "

4. Today on the matter being taken up, learned counsel for the applicants fairly submits that in the statement of account bearing Account No. 91740100137188 of the U.P. Gramin Bank, there is no reference of transaction of Rs. 4,00,000/-. Learned counsel for the applicants after advancing his arguments at some length, gave up his challenge to the aforesaid impugned charge-sheet, impugned cognizance order and impugned 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 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 surrender before the concerned court below, he has no objection if the Court grants protection to them for a short period.

6. In view of the above, the relief as sought by the applicants in the instant application is refused.

7. 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 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 two weeks from today or till the time of surrender of the applicants before the

concerned court below, whichever is earlier, they 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 :- 11.12.2023

Kashifa