

Court No. - 91

Case :- APPLICATION U/S 482 No. - 31500 of 2023

Applicant :- Rahul

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

Counsel for Applicant :- Varun Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar,J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State.

2. By means of instant application under Section 482 Cr.P.C, the applicants seeks to quash the summoning order dated 15.07.2022 including the entire proceeding of Complaint Case No. 602 of 2021 (Priyanka vs. Rahul), under sections 498A IPC and 3/4 D.P. Act, Police Station Kayamganj, District Farrukhabad, pending in the court of Civil Judge (Junior Division)/ Judicial Magistrate, Kayamganj, Farrukahabad and further prayer to stay the further proceedings of the aforesaid case has been made.

3. It is submitted by learned counsel for the applicant that the opposite party no.2 was already married with some other person *i.e.* Anmol and she also filed a cases against the former husband Anmol and on the basis of false and frivolous allegations a complaint has been filed against the applicant and an order of summoning has been obtained which has been passed by the Magistrate concerned in a mechanical way. It is further submitted that there has been a decree passed by the competent court regarding the declaration of the marriage as null and void. He further submits that no offence against the applicant is made out and the present prosecution has been instituted with a malafide intention for the purposes of harassment. He pointed out certain documents and statements in support of his contention.

4. Considering the facts and circumstances of the case, I do not find any ground to quash the criminal proceedings including summoning order dated 15.07.2022, therefore, the prayer for quashing the same is hereby refused.

5. At this stage, learned counsel for the applicant submits that applicant may be permitted to move discharge application before

the court concerned and prayed that some protection may be provided to the applicant.

6. Considering the request of the applicant and in view of the entirety of facts and circumstances of the case, it is provided that if the applicant appears and moves an appropriate application for discharge under section 245(2) Cr.P.C. through counsel before the court below within four weeks from the date of receipt of a certified copy of this order then the application of the applicant shall be considered and decided expeditiously preferably within a period of two months from the date of filing of discharge application in accordance with law.

7. Accordingly, the present application is **disposed of**.

8. For a period of four weeks, no coercive action shall be taken against the applicants.

Order Date :- 1.12.2023

Shiv