

Court No. - 88

Case :- APPLICATION U/S 482 No. - 31617 of 2023

Applicant :- Kadir

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Firoz Haider

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh,J.

1-Heard learned counsel for the applicant as well as learned Additional Government Advocate for the State of U.P./opposite party No.1.

2-This application under Section 482 Cr.P.C. has been filed by the applicant with prayer to quash the recovery warrant dated 09.06.2023 issued by Principal Judge, Family court, Hapur in Case No. 17 of 2020, under Section 125(3) Cr.P.C., arising out of Case No. 206 of 2019 (Smt. Firdaus Fatma and others vs. Kadir), under section 125 Cr.P.C., Police Station-Hapur Nagar, District-Hapur. It is also prayed to direct the learned court below to decide the recall application dated 25.07.2023 filed by the applicant in Miscellaneous Case No. 10 of 2021, under Section 126(2) Cr.P.C. within stipulated period.

3-Having heard the submission of learned counsel for the applicant, I find no good ground to interfere in the impugned order of recovery warrant dated 09.06.2023. So far as alternative prayer of the applicant is concerned, considering the fact that Application under Section 126(2) Cr.P.C. of the applicant was dismissed for want of prosecution by the concerned court below vide order dated 09.06.2023 and a recall application to recall the order dated 09.06.2023 is presently pending before the concerned court below. This Court feels that it would be appropriate to direct the concerned court below to decide the same expeditiously without granting any adjournment to either of the parties.

4-Accordingly, the instant application under Section 482 Cr.P.C. is disposed of with the direction to the

Principal Judge, Family Court, Hapur to decide the recall application dated 25.07.2023 of the applicant expeditiously within 30 days from the date of production of certified copy of this order before him.

Order Date :- 18.10.2023

Kashifa