

Court No. - 88

Case :- APPLICATION U/S 482 No. - 32330 of 2023

Applicant :- Sangeeta And Another

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

Counsel for Applicant :- Manoj Kumar Srivastava

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 of U.P./opposite party no.1 and perused the record.

This application under Section 482 Cr.P.C. has been filed by the applicants to quash the order dated 26.07.2023 passed by Sessions Judge, Kushi Nagar at Padrauna in Criminal Revision No. 30 of 2023, summoning order dated 16.01.2023 passed by Judicial Magistrate, Kasya, Kushi Nagar and proceedings of Complaint Case No. 3218 of 2022 (Sunita Devi Vs. Nandu Pathak and others), under Sections 323, 504, 506, 379 IPC pending in the court of Judicial Magistrate, Kasya, Kushi Nagar.

In the present case, from the side of the applicants, first information report was lodged on 09.06.2022 against opposite party no. 2 and her associates, in which after culmination of investigation, charge-sheet was submitted against them and they are facing trial. The opposite party no. 2 also moved an application under Section 156(3) Cr.P.C. dated 05.05.2022 against the applicants seeking a direction to lodge the first information report against them but the said application was treated as complaint and thereafter, the applicants have been summoned under Section 204 Cr.P.C. to face trial vide order dated 16.01.2023.

Learned counsel for the applicants after advancing his arguments at some length and putting certain query by the Court gave up his challenge to the aforesaid impugned order dated 26.07.2023, summoning order dated 16.01.2023 and 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.

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.

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

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 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, 2021 SCC Online SC 922.

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.

With the above observations and directions, this application under Section 482 Cr.P.C. is disposed of.

Order Date :- 16.10.2023
Shubham