

Court No. - 88

Case :- APPLICATION U/S 482 No. - 32117 of 2023

Applicant :- Enjil Kumar Gautam @ Enjil Kumar And 2 Others

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

Counsel for Applicant :- Ashwani Kumar Mishra

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 summoning order dated 04.05.2022 and proceedings of complaint case no. 16246 of 2021 (*Smt. Megha Chaudhary vs. Enjil Kumar Gautam and others*), under Sections 498-A, 323, 504, 506 I.P.C. and Sections 3/4 D.P. Act, Police Station Nawabad, District Jhansi pending in the court of Chief Judicial Magistrate, Jhansi.

3-On 26.09.2023, this Court has passed the following order:-

"Learned counsel for the applicants submits that it is a matrimonial dispute between the parties concerned and applicants are willing to settle the dispute by way of mediation.

Since, it is an old matter of the year 2021, therefore, this Court feels that before referring the matter to the Mediation Centre, one opportunity of hearing to opposite party no.2 is also necessary.

Learned Government Advocate has accepted notice on behalf of State of U.P./opposite party no.1.

Let a notice be issued to opposite party no.2 through C.J.M. concerned returnable at an early date.

Put up this case as fresh on 08.11.2023."

4-Pursuant to above order dated 26.09.2023, office has submitted a report dated 07.11.2023 mentioning therein that notice has been served

upon the opposite party no. 2 but no one has put in appearance on her behalf.

5-Learned counsel for the applicants after advancing his arguments at some length and putting certain query by the Court whether the defence of the accused can be taken into consideration, gave up his challenge to the aforesaid impugned summoning order 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.

6-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 wants to surrender before the concerned court below, he has no objection if the Court grants protection to them for a short period.

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

8-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.

9-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.

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

Order Date :- 8.11.2023

Saurabh