

Court No. - 87

Case :- APPLICATION U/S 482 No. - 32576 of 2023

Applicant :- Prashant And 4 Others

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

Counsel for Applicant :- Sandeep Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Neeraj Tiwari,J.

1. Heard learned counsel for the applicants and learned A.G.A. for State.
2. Present 482 application has been filed seeking quashing of summoning order dated 18.04.2023 as well as entire complaint case No. 15496 of 2022 (Vinod Kumar vs. Prashant and others), under sections 452, 323, 504, 506 IPC, P.S.- Nahtaur, District-Bijnor, pending in the Court of Additional Judicial Magistrate, Court No. 1, Bijnor.
3. Learned counsel for applicants submitted that present criminal proceeding is arising out of matrimonial dispute. He next submitted that for the same incident, earlier daughter of opposite party No. 2 has also filed F.I.R. against the applicants, which was registered as Case Crime No. 204 of 2022, under sections 498-A, 354, 323, 506 IPC and section 3/4 D.P. Act, in which they have been enlarged on bail. Therefore, present proceeding for the same incident is bad and liable to be set aside.
4. Learned A.G.A. submitted that applicants are having remedy to file application under Section 210 Cr.P.C. to try the case together.
5. Under such facts and circumstances of the case, application 482 is ***disposed of*** with liberty to the applicants to file application under section 210 Cr.P.C. before the trial Court within two weeks from today. In case any such application is filed within the time given, trial Court is directed to decide the same expeditiously, maximum within four weeks from the date of receiving of application under section 210 Cr.P.C. along with certified copy of this order.
6. Till the disposal of application 210 Cr.P.C., criminal proceeding in present case shall remain stayed. In case application under section 210 Cr.P.C. is not filed within the time given, it is open for the trial Court to proceed with the matter in accordance with law.

Order Date :- 3.11.2023

Sartaj