

Court No. - 91

Case :- APPLICATION U/S 482 No. - 32325 of 2023

Applicant :- Chandramohan And 6 Others

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

Counsel for Applicant :- Ashish Kumar Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar,J.

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

2. This application under Section 482 Cr.P.C. has been filed by the applicants to quash the impugned order dated 25.07.2023 passed by Additional Session Judge/ Special Judge (E.C. Act), Varanasi in Criminal Revision No.463 of 2022 and summoning order dated 13.09.2022 passed by Civil Judge (Junior Division) F.T.C. 02/ Judicial Magistrate, Varanasi in Complaint Case No. 21988 of 2022 (Rekha Tiwari Vs. Chandramohan and others), under Sections 147, 323, 504, 506, 354-B I.P.C., Police Station Phoolpur, District Varanasi, pending in the court of Civil Judge (Junior Division) F.T.C. 02/ Judicial Magistrate, Varanasi and further prayer to stay the further proceedings of the aforesaid case has been made.

3. The contention of the learned counsel for the applicant is that no offence against the applicant is disclosed 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 13.09.2022, 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 one month 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 one month, no coercive action shall be taken against the applicants.

Order Date :- 17.10.2023

Shiv