

Court No. - 88

Case :- APPLICATION U/S 482 No. - 32548 of 2023

Applicant :- Noor Anwar

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

Counsel for Applicant :- Dheeraj Kumar Dwivedi

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh,J.

The instant application under Section 482 Cr.P.C. has been preferred by the applicant with a prayer to quash the order dated 22.09.2021 passed by Special Chief Judicial Magistrate, Kanpur Nagar in Complaint No. 1098 of 2022 (Old No. 8203 of 2019) (Smt. Rukhsar vs. Noor Anwar & others), under Section 12 of Protection of Women from Domestic Violence Act, 2005 as well as recovery order dated 24.01.2023 passed by Special Chief Judicial Magistrate, Kanpur Nagar in the said case.

At the outset, learned A.G.A. pointed out that for recall of order dated 22.09.2021, a recall application has already been filed by the applicant on 18.07.2023 prior to filing of this application and the same is still pending, therefore, applicant cannot avail simultaneously two remedies.

In response, learned counsel for the applicant submits that the applicant may be allowed to withdraw this application with liberty to file fresh application with better particulars.

In view of the statement made by learned counsel for the applicant at the Bar, the instant application is dismissed as not pressed with aforesaid liberty as prayed for.

Office is directed to return the certified copy of the documents to the counsel for the applicant within three days' after retaining xerox copy of the same on record.

Order Date :- 22.11.2023

Saurabh