

Court No. - 87

Case :- APPLICATION U/S 482 No. - 36502 of 2023

Applicant :- Hariram And Another

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

Counsel for Applicant :- Vivek Kumar Singh

Counsel for Opposite Party :- G.A.,Chandra Prakash Pandey

Hon'ble Neeraj Tiwari,J.

1. Heard learned counsel for the applicants, learned A.G.A. for the State and Sri Dharmendra Kumar Patel, Advocate holding brief of Sri Chandra Prakash Pandey, learned counsel for the opposite party no.2.

2. This application under Section 482 Cr.P.C. has been filed seeking quashing of the summoning order dated 12.6.2023 as well as entire proceeding of Special Sessions Trial No.06 of 2018 (Maharam vs. Hariram and another), under Section 376AB and 376-D IPC and 5(g)(m)/6 of POCSO Act, P.S. Rajpur, District-Farrukhabad, pending in the court of Additional District and Sessions Judge/Special Judge POCSO Act, Farrukhabad.

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 12.6.2023, 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 two weeks 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 three months from the date of filing of discharge application in accordance with law.

7. If the applicant moves an application as stated above within two weeks from today, no coercive action shall be taken against the applicant till disposal of the said application or four months from today, whichever is earlier.

8. Accordingly, the present application is **disposed of**.

Order Date :- 30.10.2023

Junaid