

Court No. - 89

Case :- APPLICATION U/S 482 No. - 35613 of 2023

Applicant :- Smt Madhuri Devi

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

Counsel for Applicant :- Babul Kumar Sharma

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

1. Heard learned counsel for the applicant and learned AGA for the State.
2. The present 482 Cr.P.C. application has been filed to quash the non-bailable warrant/82 Cr.P.C.order dated 05.04.2023 as well as entire proceedings of Complaint Case No.12344 of 2022 (Anil Badhawan @ Anil vs. Pratik Dubey), under Section 138 N.I.Act, P.S. Nawabad, District Jhansi.
3. Learned counsel for the applicant submits that 82 proceeding initiated by trial court against son of the applicant. Applicant is mother of the accused and property of the applicant has been going to be attached by the Investigating Officer and proceeding under sections 82 & 83 Cr.P.C. is illegal and without application of mind.
4. Learned A.G.A. has vehemently opposed the submission raised by learned counsel for the applicant and submits that applicant has no right to challenge the 82 Cr.P.C. proceeding. Proceeding under section 82 Cr.P.C. is just and proper.
5. Considered the entire facts and circumstances of the case and submission raised by learned counsel for the applicant. Proceeding under section 82 Cr.P.C. against the son of the applicant and submission of the applicant are disputed question of facts, which cannot be examined at this stage.
6. In view of the above, in the light of judgment of the Apex Court in the matters of **R.P. Kapur Vs. State of Punjab, A.I.R. 1960 S.C. 866, State of Haryana Vs. Bhajan Lal, 1992 SCC (Cr.) 426, State of Bihar Vs. P.P.Sharma, 1992 SCC (Cr.) 192 and lastly Zandu Pharmaceutical Works Ltd. Vs. Mohd. Saraful Haq and another (Para-10) 2005 SCC (Cr.) 283**, no ground for quashing the proceedings of the aforesaid case, is made out which may call for any interference by this Court in exercise of its inherent power under Section 482 Cr.P.C. as the same do not suffer from any illegality or infirmity.
7. The present application under Section 482 Cr.P.C. lacks merit and is, accordingly, **dismissed**.

Order Date :- 1.11.2023

SKD