

Court No. - 88

Case :- APPLICATION U/S 482 No. - 33777 of 2023

Applicant :- Ashok Veer

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

Counsel for Applicant :- Ankit Pathak

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh,J.

1-Heard learned counsel for the applicant as well as learned Additional Government Advocate for the State of U.P./opposite party no.1.

2-This application under Section 482 Cr.P.C. has been preferred by the applicant with a prayer to quash the non-bailable warrant/recovery warrant dated 10.08.2023 issued by Principal Judge, Family Court, Sambhal at Chandausi in Misc. Case No. 123 of 2023 (Smt. Preeti Vs. Ashok Veer), under Section 125(3) Cr.P.C., Police Station-Kudh Fatehgarh, District-Sambhal till the disposal of recall application dated 27.07.2023 for recall of order dated 07.04.2022 filed by the applicant.

3-It is argued by learned counsel for the applicant that application under Section 125 Cr.P.C. filed by opposite party no.2 has been allowed ex parte vide order dated 07.04.2022 and in execution of proceeding, recovery warrant has been issued against the applicant. As soon as the applicant came to know about the order dated 07.04.2022, he has filed recall application dated 27.07.2023 under Section 126(2) Cr.P.C., which is still pending before the concerned court below. Whereas, the recovery warrant has been issued for depositing the amount of Rs. 88,000/-, out of which sum of Rs. 44,000/- has already been deposited by the applicant.

4-Learned A.G.A. submits that no useful purpose would be served keeping this matter pending before this Court and issuing notice to opposite party no.2.

5-Having heard the submissions of learned counsel

for the parties, this Court feels that it would be appropriate to issued direction to the concerned court below to decide the application dated 27.07.2023 within three weeks.

6-Accordingly, the instant application under Section 482 Cr.P.C. is disposed of with the direction to the Principal Judge, Family Court, Sambhal at Chandausi to decide the application dated 27.07.2023 filed by the applicant in Case No. 598 of 2019 (Ashok Veer Vs. Smt. Preeti) within three weeks from the date of production of certified copy of this order before him. If 50% amount has already been deposited by the applicant as noted above, then recovery of rest of the amount shall remain stayed only till the disposal of application dated 27.07.2023.

Order Date :- 19.10.2023

Kashifa