

Court No. - 88

Case :- APPLICATION U/S 482 No. - 34250 of 2023

Applicant :- Smt Archana Singh And Another

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

Counsel for Applicant :- Sushil Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh,J.

Heard learned counsel for the applicants, learned Additional Government Advocate for the State of U.P./opposite party no.1 and perused the record.

This application under Section 482 Cr.P.C. has been filed by the applicants to quash the non-bailable warrant dated 03.08.2022 issued against the applicant no. 2 in Session Case No. 2513 of 2021 (State Vs. Sourav Dutta) arising out of Case Crime No. 313 of 2021, under Sections 363, 366, 376 IPC and Section 5/6 POCSO Act, Police Station Geeda, District Gorakhpur pending in the court of Additional Session Judge/Special Judge POCSO-4, Gorakhpur.

It is submitted by learned counsel for the applicants that applicant no. 1/Smt. Archana Singh is victim and applicant no. 2/Sourav Dutta is accused in the aforesaid case. The proceeding of the aforesaid case is liable to be quashed on the ground that they have solemnized marriage and want to lead a happy married life.

Learned counsel for the applicant after advancing his arguments at some length and putting certain query by the Court gave up his challenge to the aforesaid order of non-bailable warrant against the applicant no. 2 by contending at the Bar that he is not pressing the prayer made in this application on merits and confined his submission requesting to grant some protection to the applicant no. 2 to surrender before the concerned Court below.

Learned A.G.A. for the State of U.P. submits that in case the applicant no. 2 is not pressing the relief as

sought for by him on merits and wants to surrender before the concerned court below, he has no objection if the Court grants protection to him for a short period.

In view of the above, the relief as sought by the applicant no. 2 in the instant application is refused.

However, considering the aforesaid alternative prayer made by learned counsel for the applicants, it is directed that the applicant no. 2 shall surrender before the concerned Court below within two weeks from today and in case applies for bail, the bail application of the applicant no. 2 shall be disposed of expeditiously by the Courts below in accordance with law and keeping in view the guidelines as laid down by the Apex Court in the case of Satender Kumar Antil vs. Central Bureau of Investigation and another, reported in 2021 SCC Online SC 922.

For the period of two weeks from today or till the time of surrender of the applicant no. 2 before the concerned Court below, whichever is earlier, non-bailable warrant dated 03.08.2022 shall be kept in abeyance.

With the above observations and directions, this application under Section 482 Cr.P.C. is disposed of.

Order Date :- 18.10.2023
Shubham