

Court No. - 89

Case :- APPLICATION U/S 482 No. - 35269 of 2023

Applicant :- Rajat And Another

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

Counsel for Applicant :- Noor Muhammad, Yogesh Kumar
Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma, J.

1. Heard learned counsel for the applicants and learned A.G.A. for the State.
2. This application under Section 482 Cr.P.C. has been filed by the applicants to quash the order dated 13.09.2022 passed by the Judicial Magistrate Firozabad, in Case No.19052 of 2022 (Dheeraj Kumar Vs. Vinod Kumar and others), under Sections 354B, 504, 506 and 452 I.P.C., P.S. Jasrana, District Firozabad.
3. Learned counsel for the applicants submits that the instant complaint has been lodged as a counter-blast as applicant earlier lodged FIR under Section 420, 467, 468 and 471 I.P.C against the opposite party and further submitted that applicant no.1 is relative of applicant no.2. Applicant no.2 is a Government Veterinary Officer, prima facie, no offence under alleged section is made out and summoning taken by the learned Judicial Magistrate is abuse of process of law.
4. Learned A.G.A has opposed the submission as raised by the learned counsel for the applicant and submits that the contents of the FIR and statements under Sections 200 and 202 Cr.P.C., prima facie, case is made out against the applicants.
5. On the matter being taken up, learned counsel for the applicants have not pressed the relief as sought by means of this application on merit and prayed for issuance of appropriate direction to the concerned Courts below to decide the bail application of the applicants expeditiously.
6. Learned A.G.A. has no objection in allowing the aforesaid prayer of the applicants.
7. Accordingly the relief as sought by the applicants through this application is refused.

8. Considering the arguments as raised by the learned counsel for the applicants and learned A.G.A. Submissions raised by learned counsel for the applicant is disputed question of facts and at this stage, cannot be considered setting under 482 Cr.P.C. and on perusal of statement recorded under Section 200 and 202 Cr.P.C and contents of complaint, it cannot be said that no offence is made out against the applicants. No interference is warranted at this stage., it is directed that applicants shall surrender before the concerned Court below within four weeks from today and in case applies for bail, the bail application shall be decided expeditiously by the courts below in accordance with law 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.

9. For the period of four weeks from today or till the time of surrender of the applicants before the Court below, whichever is earlier, no coercive action shall be taken against them.

10. With the aforesaid directions, this application under Section 482 Cr.P.C. stands **disposed of**.

Order Date :- 26.10.2023

A Gautam