

Court No. - 88

Case :- APPLICATION U/S 482 No. - 35890 of 2023

Applicant :- Yatharth Gupta

Opposite Party :- State Of U.P. . And Another

Counsel for Applicant :- Pradeep Kumar Yadav, Vijay Bahadur Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh, J

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

2. This application under Section 482 Cr.P.C. has been filed by the applicant with a prayer to quash the Non-Bailable Warrant dated 09.03.2021 in Complaint Case No.1596 of 2016 (Smt. Prachi Gupta vs. Yatharth Gupta and others), under sections 498-A, 323, 504 & 506 I.P.C. and 3/4 D.P. Act, Police Station- Farenda, District- Maharajganj pending in the court of Civil Judge (J.D.), Farenda, District Maharajganj.

3. At the outset learned A.G.A. pointed out that this the second application under Section 482 Cr.P.C. on behalf of the applicant (Yatharth Gupta). The first application under Section 482 Cr.P.C. No. 46034 of 2018 preferred by the applicant was disposed of vide order dated 20.12.2018 directing the applicant to appear and surrender before the concerned Court below within 30 days but on non-appearance of the applicant before the concerned Court below, Non-Bailable Warrant has been issued against him on 09.03.2021, which is the subject matter of challenge in the second application of the applicant filed under Section 482 Cr.P.C., which is not maintainable in view of the recent judgment of the Apex Court in the case of **Bhisham Lal Verma Vs. State of U.P. and another** reported in **2023 SCC On Line SC 1399**.

4. In response, learned counsel for the applicant could not give satisfactory reply. However, he

submits that opposite party no.2 had assured the applicant to make compromise but, later on, he refused for the same.

5. Having heard submissions of learned counsel for the applicant and learned A.G.A., I do not find any illegality in the Non-Bailable Warrant dated 09.03.2021.

6. In view of the above, the application lacks merit and is, accordingly, **dismissed**.

7. A copy of this order be communicated to the opposite party no.2 as well as concerned Court below for necessary information within a week.

Order Date :- 30.11.2023

Anurag/-