

Court No. - 88

Case :- APPLICATION U/S 482 No. - 35096 of 2023

Applicant :- Prashant Kumar Chaudhary And Another

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

Counsel for Applicant :- Santosh Singh

Counsel for Opposite Party :- G.A.,Mahendra Kumar Pandey

Hon'ble Sanjay Kumar Singh,J.

1-Heard learned counsel for the applicants, learned Additional Government Advocate for the State of U.P./opposite party no.1, learned counsel for the opposite party no.2 and perused the record.

2-This application under Section 482 Cr.P.C. has been filed by the applicants to quash the summoning order dated 16.08.2016 passed by Addition chief Judicial Magistrate, Court No.3, Ghaziabad, order of non-bailable warrant and process under Section 82 Cr.P.C. dated 21.08.2017 issued against the applicants and proceedings of Complaint Case No. 1607 of 2016 (Smt. Usha Rani Vs. Prashant Kumar Chaudhary and others), under Sections 420, 467, 468, 471, 120-B I.P.C., Police Station Sihani Gate, District Ghaziabad, pending in the court of Additional Chief Judicial magistrate, Court No.3 Ghaziabad.

3-It is submitted by the learned counsel for the applicants that due to lack of knowledge applicants could not appear before the court below. Impugned non bailable warrants have been wrongly and illegally issued by the concerned court below against the applicants.

4-On the other hand learned Additional Government Advocate as well as learned counsel for opposite party no.2 contended that in this opposite party no.2 filed a complaint against the applicants, thereafter, learned Magistrate after recording statement under Section 200 and 202 Cr.P.C. summoned the applicants on 16.08.2016. Non-bailable warrant has been issued in the year 2017 and since then applicants are absconding.

5-Admittedly, order sheet of the lower court indicates that applicants are playing hide and seek with the Court since 2017 i.e. for the last about six years and want this Court to come to his rescue by exercising its inherent jurisdiction. On account of non appearance of the applicants before the Court concerned, non bailable warrants have been issued against them. I also find that compromise application dated 20.09.2019 has been filed by applicant no.1, even then he did not appear before the trial court. In the said application, there is no name and signature of accused-applicant no.2-Roop Singh.

6-Having considered the submissions of learned counsel for the parties and looking into the conduct of the applicants in the lower court, I find no good ground to interfere with the order of lower court issuing non-bailable warrants. In view of the above, the relief claimed by the applicants is refused.

7-The application lacks merit and is accordingly ***dismissed***.

Order Date :- 16.11.2023

Kashifa