**Court No. - 91**

**Case :-** APPLICATION U/S 482 No. - 35870 of 2023

**Applicant :-** Nikhil @ Saurabh Singh And 3 Others
**Opposite Party :-** State of U.P. and Another
**Counsel for Applicant :-** Rajesh Kumar Singh
**Counsel for Opposite Party :-** G.A.

**Hon'ble Gajendra Kumar,J.**

1. Heard learned counsel for the applicant and learned A.G.A. for the State.

2. By means of instant application under Section 482 Cr.P.C, the applicants seeks to quash the summoning order dated 19.06.2023 including the entire proceeding of Complaint Case No. 231 of 2023 (Subash Singh Vs. Nikhil @ Saurabh Singh and others), under sections 323, 504, 451 IPC, Police Station Bardah, District Azamgarh, pending in the court of Judicial Magistrate, Court No.20, Azamgarh and further prayer to stay the further proceedings of the aforesaid case has been made.

3. The contention of the learned counsel for the applicant is that no offence against the applicant is disclosed and the present prosecution has been instituted with a malafide intention for the purposes of harassment. He pointed out certain documents and statements in support of his contention.

4. Considering the facts and circumstances of the case, I do not find any ground to quash the criminal proceedings including summoning order dated 19.06.2023, therefore, the prayer for quashing the same is hereby refused.

5. At this stage, learned counsel for the applicant submits that applicant may be permitted to move discharge application before the court concerned and prayed that some protection may be provided to the applicant.

6. Considering the request of the applicant and in view of the entirety of facts and circumstances of the case, it is provided that if the applicant appears and moves an appropriate application for discharge under section 245(2) Cr.P.C. through counsel before the

court below within four weeks from the date of receipt of a certified copy of this order then the application of the applicant shall be considered and decided expeditiously preferably within a period of two months from the date of filing of discharge application in accordance with law.

7. Accordingly, the present application is **disposed of.**

8. For a period of four weeks, no coercive action shall be taken against the applicants.

**Order Date :-** 30.11.2023
Shiv

Digitally signed by :-
SHIV KUMAR SHARMA
High Court of Judicature at Allahabad