

Court No. - 93

Case :- APPLICATION U/S 482 No. - 36141 of 2023

Applicant :- Ajayab Singh And 2 Others

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

Counsel for Applicant :- Rahul Upadhyay

Counsel for Opposite Party :- G.A.

Hon'ble Arun Kumar Singh Deshwal,J.

Supplementary affidavit, filed by learned counsel for the applicants, is taken on record.

Heard Sri Rahul Upadhyay, learned counsel for the applicants and Sri Uday Bhan, learned A.G.A. for the State.

The present application has been filed for quashing the entire proceeding of Case No. 93560 of 2022 (*State vs. Ajayab Singh and others*), arising out of Case Crime No. 167 of 2021, u/s 323, 504, 506 I.P.C., P.S. Najirabad, District Kanpur Nagar, pending before A.C.M.M.-I, Kanpur Nagar, including charge sheet dated 22.12.2021 and cognizance order dated 15.7.2022.

Contention of learned counsel for the applicants is that the impugned proceeding is abuse of process of Court as the same was initiated just to harass the applicants as the applicants are rival businessmen of opposite party No.2.

From perusal of the statement of opposite party No.2, it is clear that there are specific allegation against the applicants regarding their involvement in the crime and there is CCTV footage also, showing presence of the applicants. However, contentions raised by counsel for the applicants are their defence that can be raised during trial.

Accordingly, the application is **rejected**.

However, it is provided that if the applicants appear and move application for bail before the court below within a period of three weeks from today, then their application shall be considered in view of the law laid down in ***Satendra Kumar Antil vs. Central Bureau of Investigation and Another, (2021) 10 SCC 773.***

Order Date :- 9.11.2023

Vandana