

Court No. - 88

Case :- APPLICATION U/S 482 No. - 37302 of 2023

Applicant :- Smt. Rita Devi And 5 Others

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

Counsel for Applicant :- Anil Kumar Tripathi

Counsel for Opposite Party :- G.A.,Anand Kumar Srivastava

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 and perused the record.

2-This application under Section 482 Cr.P.C. has been filed by the applicants to quash the order dated 11.07.2023 passed by learned Civil Judge (J.D.) F.T.C. Ist, Varanasi as well as non-bailable warrant dated 15.09.2023 issued against the applicants in Complaint Case No. 80315 of 2023 (Gyani Dinesh Kumar Maurya Vs. Smt. Rita Devi and others), under Sections 323, 504, 452, 467, 468, 392 I.P.C., Police Station-Sarnath, District-Varanasi.

3-At the outset learned counsel for the applicants gave up his challenge to the aforesaid order dated 11.07.2023 and order of non-bailable warrant against the applicants by contending at the Bar that he is not pressing the prayer made in this application on merits and confined his submission requesting to grant some protection to the applicants to surrender before the concerned Court below.

4-Learned A.G.A. for the State of U.P. submits that in case the applicants are not pressing the relief as sought for by them on merits and want to surrender before the concerned court below, he has no objection if the court grants protection to them for a short period.

5-In view of the above, the relief as sought by the applicants in the instant application is refused.

6-However considering the aforesaid alternative

prayer made by learned counsel for the applicants, it is directed that the applicants shall surrender before the concerned court below within two weeks from today and in case they apply for bail, the bail application of the applicants shall be disposed of expeditiously by the courts below in accordance with law and keeping in view the guidelines as 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.

7-For the period of two weeks from today or till the time of surrender of the applicants before the concerned court below, whichever is earlier, non-bailable warrant dated 15.09.2023 shall be kept in abeyance.

8-With the above observations and directions, this application under Section 482 Cr.P.C. is disposed of.

Order Date :- 28.10.2023

Kashifa