

**Court No. - 87**

**Case :-** APPLICATION U/S 482 No. - 36701 of 2023

**Applicant :-** Abhishekha Shahi

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

**Counsel for Applicant :-** Satyawar Shahi, Prashant Kumar Singh

**Counsel for Opposite Party :-** G.A.

**Hon'ble Neeraj Tiwari, J.**

1. Heard learned counsel for the applicant and learned A.G.A. for the State and perused the entire record.
2. This application under Section 482 Cr.P.C. has been filed seeking quashing of the charge sheet dated 5.7.2023, cognizance order dated 14.7.2023 as well as entire proceeding of case no. 37823 of 2023 (State Vs. Neeraj Singh @ Chaman Singh), arising out of case crime no. 0250/2023, under sections 394, 411, 120-B IPC, P.S. GIDA, District Gorakhpur, pending in the court of Judicial Magistrate-III. Gorakhpur.
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 charge sheet dated 5.7.2023 as well as cognizance order dated 14.7.2023, therefore, the prayer for quashing the same is hereby refused.
5. At this stage, learned counsel for the applicant submits that applicant is on bail, therefore, he may be permitted to move discharge application before the court concerned and prayed that a direction may be issued to decide the same at the earliest.
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 227 Cr.P.C. before the Trial court within two 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 three months from the date of filing of discharge application in accordance with law.

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

**Order Date :- 12.10.2023**

Arvind