

Court No. - 90

Case :- APPLICATION U/S 482 No. - 37987 of 2022

Applicant :- Amit Mishra And 3 Others

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

Counsel for Applicant :- Abhinab Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Pathak,J.

1. Heard learned counsel for the applicants and the learned A.G.A.
2. The applicants have invoked the inherent jurisdiction of this Court with the following prayer :-

"To allow this application or set aside the impugned judgment and order dated 22.08.2022 passed by the Court of Additional Sessions Judge, Court No. 5/Special Judge, Gangster Act, Bareilly and the impugned order dated 16.05.2022 passed by learned Civil Judge Senior Division/Fast Track Court, Bareilly in Misc. Case No.272 of 201 as 'Amit Mishra And Others Vs. Jitendra Singh And Another" registered U/s 397 Cr.P.C., Police Station Subhashnagar, District Bareilly pending before the learned Civil Judge Senior Division/Fast Track Court, Bareilly and all consequential proceedings thereon in interest of justice."

3. It is submitted by learned counsel for the applicants that respondent no. 2 has lodged an F.I.R. being Case Crime No.0555 of 2019 dated 27.09.2019 with respect to the alleged incident dated 26.09.2019. Investigating Officer, after due investigation, has submitted the final report. Against the said report, opposite party has filed protest petition dated 09.11.2021 being Misc. Case No. 272 of 2021. Learned Civil Judge (S.D.)/Fast Track Court/Additional Chief Judicial Magistrate, Bareilly has treated the aforesaid said protest petition as a complaint and fixed date for statement of complainant under Section 200 Cr.P.C. It is next submitted that in the aforesaid matter, the present applicants have moved an application under Section 340 Cr.P.C. dated 07.03.2022 which is still pending consideration.

4. After due deliberations at length, learned counsel for the applicants, without addressing to the Court on the merits of the case, has urged that the aforesaid application dated 07.03.2022 filed under Section 340 Cr.P.C. may be directed to be decided, expeditiously.

5. Learned A.G.A. has no objection if a direction is issued to the court concerned to decide the application dated 07.03.2022, expeditiously.

6. In this conspectus as above, no useful purpose would be served to keep this matter pending. Therefore, this court deems it appropriate to finally dispose of the present application, without making any observation on the merits of the case, as mentioned in the application, with a direction to the court concerned, before whom the aforesaid application dated 07.03.2022 filed under Section 340 Cr.P.C. is pending consideration to decide the same strictly in accordance with law by means of a reasoned and speaking order, after affording opportunity of hearing to the parties concerned and without granting any unnecessary adjournments to either of the parties expeditiously, at the appropriate stage of proceeding.

7. With the aforesaid observation/direction, the instant application is finally **disposed off**.

Order Date :- 9.11.2023

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