

Court No. - 87

Case :- APPLICATION U/S 482 No. - 37858 of 2023

Applicant :- Riyazuddin @ Mohammad Riyazuddin Azmi And 2 Others

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

Counsel for Applicant :- Arvind Kumar Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Neeraj Tiwari,J.

1. Heard learned counsel for applicants and learned A.G.A. for State.
2. This application under Section 482 Cr.P.C. has been filed seeking quashing of charge sheet dated 14.01.2016 as well as summoning order dated 06.12.2016/13.01.2023 issued in Case No. 5855 of 2016(State Vs. Riyajuddin), arising out of Case Crime No. 0131 of 2015, under sections 147, 148, 452, 323, 504, 506 I.P.C., P.S.- Phoolpur, District- Azamgarh, pending in the Court of Chief Judicial Magistrate, Azamgarh.
3. The contention of the learned counsel for the applicants is that no offence against the applicants 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 14.01.2016, therefore, the prayer for quashing the same is hereby refused.
5. At this stage, learned counsel for the applicants submits that applicants are on bail, therefore, they 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 applicants and in view of the entirety of facts and circumstances of the case, it is provided that if the applicants appear and move an appropriate application for discharge under the provision of 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 applicants 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 :- 7.11.2023

ADY