

Court No. - 93

Case :- APPLICATION U/S 482 No. - 43465 of 2023

Applicant :- Niyamat Ulla And Another

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

Counsel for Applicant :- Bebi Naz, Suhel Ahmad

Counsel for Opposite Party :- G.A.

Hon'ble Manoj Bajaj, J.

Applicants being accused have approached this Court through this application under Section 482 Code of Criminal Procedure seeking quashing of the charge sheet dated 12.6.2016, cognizance / summoning order dated 23.12.2016 passed by Civil Judge (J.D.)/ FTC/ CAW, Fatehpur in Case No. 2563 of 2016, titled *State Vs. Niyamat Ulla*, arising out of Case Crime No. 187 of 2014, under Sections 498-A, 323 I.P.C. and Section 3/4 Dowry Prohibition Act, 1961, Police Station Dhata, District Fatehpur and the proceedings arising therefrom.

During the course of hearing, when learned counsel for applicants was confronted with the maintainability of the application on the ground of delay as the criminal proceedings against the applicants were initiated in the year 2014, wherein the charge sheet was submitted against them on 12.6.2016, he prays for an adjournment as the arguing counsel is not available.

This Court has seen the *zimni* orders placed on record by the applicants as Annexure No.6 and the order dated 17.11.2017 would show that the accused denied the charges and claimed trial and thereafter, the case was fixed for the prosecution evidence. The order dated 17.11.2017 framing charges against the accused has not been put under challenge and it is also clear that the application has been filed belatedly after commencement of trial.

Resultantly, without meaning any expression of opinion on the merits of the case, this Court is not inclined to exercise the inherent powers under Section 482 Cr.P.C. The application is accordingly, dismissed.

Order Date :- 11.12.2023

P.S.Parihar