

Court No. - 88

Case :- APPLICATION U/S 482 No. - 38153 of 2023

Applicant :- Gulab Singh @ Vivekanand And Another

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

Counsel for Applicant :- Pramod Kumar Pandey

Counsel for Opposite Party :- G.A., Ravindra Kumar Pandey

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, learned counsel for the opposite party no.2 and perused the record.

2-This application under Section 482 Cr.P.C. has been filed by the applicants to quash the order of non-bailable warrant dated 05.09.2008 against applicant no.1-Gulab Singh @ Vivekanand and non-bailable warrant dated 07.05.2013 against applicant no.2-Umashankar Giri as well as proceeding of Case No. 1438 of 2004, CNR No. UPCD040000842004 (Saraswati Devi Vs. Gulab Singh and another), under Sections 406, 504, 506 I.P.C., Police Station-Chandauli, District-Chandauli, pending in the court of Civil Judge (Junior Division), F.T.C.-I/J.M., Chandauli on the basis of settlement deed dated 21.09.2023 between the parties concerned.

3-In this case opposite party no.2 (now deceased) filed a complaint dated 07.04.2004 against the applicants Gulab Singh @ Vivekanand and Umashankar Giri for the offence under Sections 406, 504, 506 I.P.C. and Section 3(1)(10) of S.C./S.T. Act, in which they were summoned vide order dated 07.06.2004, but till date they have not appeared before the trial court and the instant application under Section 482 Cr.P.C. has been preferred by the applicants on 06.10.2023 after about 19 years and 3 months.

4-It is submitted by the learned counsel for the applicants that due to lack of knowledge applicants could not appear before the Court below. Impugned

nonailable warrants have been wrongly and illegally issued by the concerned Court below against the applicants.

5-Admittedly, record shows that applicants are playing hide and seek with the Court since 2004 i.e. for the last about 19 years and 3 months and want this Court to come to their rescue by exercising its inherent jurisdiction. On account of non appearance of the applicants before the Court concerned, nonailable warrants have been issued against them. Having considered the submissions of learned counsel for the parties and looking into the conduct of the applicants in the lower court, I find no good ground to interfere with the order of lower court issuing non-bailable warrants. In view of the above, the relief claimed by the applicants is refused.

6-The application lacks merit and is accordingly ***dismissed***.

Order Date :- 8.11.2023

Kashifa