

Court No. - 89

Case :- APPLICATION U/S 482 No. - 37837 of 2023

Applicant :- Salman And 4 Others

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

Counsel for Applicant :- Sikandar Khan

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

1.Heard learned counsel for the applicants and learned A.G.A. for the State.

2. The present 482 Cr.P.C. application has been filed with a prayer to quash the charge sheet dated 01.04.2023; cognizance/summoning order dated 03.07.2023 in Criminal Case No.124674 of 2023 (State Vs. Salman & Others) arising out of Case Crime No. 0035 of 2023, under Sections 498-A, 323, 506 I.P.C. and 3/4 D.P. Act, P.S. Mahila Thana, District Ghaziabad.

3. Learned counsel for the applicant submits that no offence is made out against the applicant and the present prosecution has been instituted with a mala fide intention for the purpose of causing harassment. The cognizance taken by the learned court is an abuse of the process of the court as court below without considering the material evidence, produced by the Investigating Officer and without applying his judicial mind has taken cognizance.

5. Per contra, learned A.G.A. opposed the submission raised by counsel for the applicant and submits that there is no illegality in the order impugned.

4. Considering the arguments advanced by the counsel for the parties and keeping in view of the facts and circumstances of the case, the order passed on 03.07.2023 is cryptic and without application of mind, as such same cannot be sustained. The cognizance order dated 03.07.2023 passed by the court below is set aside with direction to the concerned court to considering the evidence produced by the Investigation Officer and after applying his judicial mind, shall pass a fresh order in the matter in accordance with law, within a period of one month from the date of production of a certified copy of the order.

5. The application is **disposed of**.

Order Date :- 12.10.2023

Meenu Singh