

Court No. - 89

Case :- APPLICATION U/S 482 No. - 38495 of 2023

Applicant :- Arvind Kumar And 3 Others

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

Counsel for Applicant :- Santosh Yadav, Mohd. Zeeshan

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 to quash the order dated 10.08.2022 passed by the Civil Judge (Junior Division), F.T.C., Court No. 1, Bareilly in Complaint Case No. 376 of 2019 (Arti Sharma and another vs. Syam Babu and Others) and/or to quash the entire proceedings of Compliant Case No. 376 of 2019 (Arit Sharma and another vs. Syam Babu and Others), under Sections 12, 17, 18, 19, 20, 21, 22, 23 of the Protection of Women from Domestic Violence Act, 2005 pending before the Civil Judge (Junior Division), F.T.C., Court No. 1, Bareilly.

3. Learned counsel for the applicants submits that the learned Trial Court passed the impugned order dated 10.08.2022, without considering the objections of the applicants that they resides separately from the opposite party no. 2 and his husband and applicants were exonerated in the proceedings under Section 498A, 504, 506, 323, 354 IPC and Section 3/4 of Dowry Prohibition Act by the Investigating Officer. He next submits that the document, which was obtained through Right to Information Act that applicants live separately and in the instant application, it has also been stated that applicants live separately in one house having no concern with the family affairs but learned Trial Court has not considered the objections raised by learned counsel for the applicants and in most arbitrary manner illegally and irrelevantly rejected the objections of the applicants.

4. Per contra, learned AGA opposes the submissions raised by counsel for the applicants and submitted the impugned order dated 10.08.2022, is just and proper.

5. Considered the submissions made by counsel for the parties and

perused the entire record. By the impugned order dated 10.08.2022, learned Trial Court directed the applicants to file the written statements with all the credible evidences over which applicants' relied. The observations and findings made by the learned Trial Court in the order dated 10.08.2023, is just and proper, as such, no interference is warranted by this Court. Insofar as counsel for the applicants' prayer to interfere in the proceedings on account of fact that applicants are not residing with the opposite party no. 2 and his husband, is purely disputed question of fact, which cannot be adjudicated upon by this Court under Section 482 Cr.P.C.

6. The present application under Section 482 Cr.P.C. lacks merit and is, accordingly, **dismissed**.

Order Date :- 17.10.2023

Aditya