

Court No. - 91

Case :- APPLICATION U/S 482 No. - 38443 of 2023

Applicant :- Rajendra And 2 Others

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

Counsel for Applicant :- Amitrana

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar,J.

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

2. This application under Section 482 Cr.P.C. has been filed by the applicants to quash the cognizance/ summoning order dated 23.06.2023 as well as entire proceedings of Complaint Case No. 5790/9 of 2022 (Upkar Vs. Rajendra and others), under Sections 323, 504, 506 I.P.C., Police Station Thanabhawan, District Shamli, pending in the court of learned Civil Judge (Junior Division)/ Judicial Magistrate, Shamli and further prayer to stay the further proceedings of the aforesaid case has been made.

3. The contention of the learned counsel for the applicants is that no offence against the applicants are 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 summoning order dated 23.06.2023, therefore, the prayer for quashing the same is hereby refused.

5. At this stage, learned counsel for the applicants submits that applicants may be permitted to move discharge application before the court concerned and prayed that some protection may be provided to the applicants.

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 section 245(2) Cr.P.C. through counsel before the court below within one month 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 two months from the date of filing of discharge application in accordance with law.

7. Accordingly, the present application is ***disposed of***.

8. For a period of one month, no coercive action shall be taken against the applicants.

Order Date :- 28.10.2023

Suraj Srivastav