

Court No. - 92

Case :- APPLICATION U/S 482 No. - 38426 of 2023

Applicant :- Shabana Warsi And Another

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

Counsel for Applicant :- Neelam Singh

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta,J.

1. Heard Sri Anil Kumar Shukla, learned counsel for the applicants and Sri Sandeep Choudhary, learned A.G.A. for the State.

2. The instant application under Section 482 Cr.P.C. has been filed seeking quashing of the entire proceedings of Sessions Trial No. 1485 of 2021 (State of U.P. vs. Shabana and Another), arising out of Case Crime No. 0104 of 2019 u/S 306, 201, 506 I.P.C., P.S.- Anwarganj, District- Kanpur Nagar, pending in the Court of learned Additional District Magistrate, Kanpur Nagar.

3. Learned counsel for the applicants submits that it is the case of suicide of one Mohiuddin, who has committed suicide in the house of the applicants herein. On 08.01.2019, learned counsel for the applicants submits that from the entire reading of the F.I.R. as well as the charge-sheet and coupled with the statement of PW-1 recorded during the trial of the case, no offense u/S 306, 506 I.P.C. is made out against the applicants. Therefore, he has prayed for quashing of the entire proceedings of the case.

4. Per contra, learned counsel for State submits that in the instant case, the trial is already in progress. There are seven witnesses in total. PW-1 has already been examined on 01.09.2023. Other witnesses are yet to be examined. Therefore, any order passed in this case will affect the progress of the trial and will delay the trial. Therefore, learned counsel for State submits that no interference is called for at this Stage of the trial.

5. Having heard the rival contentions made by learned counsels for the parties, this Court has carefully gone through the record of the case. The allegations against the applicants is that the son of the complainant/opposite party no.2, namely Mohiuddin, has committed suicide in the house of the applicants herein and after the suicide committed by the deceased, the applicants have

carried the dead body of the deceased to the house of the opposite party no.2. The allegations, on the basis of some pendrive, that there were some illicit relations between the applicant no.1 and the son of the deceased and the said deceased has committed suicide.

6. However, without going into the merits of the case, since the trial is already in progress and there are seven witnesses in total, out of which there are four factual witnesses and three formal witnesses. Out of the four main factual witnesses, one witness has already been examined and remaining three factual witnesses are yet to be examined and three formal witnesses are required to be examined.

7. In view thereof, this Court do not find it appropriate to interfere in the trial at this stage. Therefore, the instant application is ***dismissed***.

Order Date :- 9.11.2023

Shubham Arya