

Court No. - 91

Case :- APPLICATION U/S 482 No. - 38654 of 2023

Applicant :- Jitendra Kumar Saxena

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Atul Kumar Srivastava, Ankit Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar, J.

1. Heard counsel for the applicant, learned A.G.A for the State and perused the record.

2. This application under Section 482 Cr.P.C. has been filed to quash the entire proceedings of the case and impugned order dated 2.08.2022, passed by the learned Principal Judge, Family Court District Badaun in Misc. Case No.1226 of 2021 (Priti Saxena Vs. Jitendra Kumar Saxena), under Section 128 Cr.P.C, Police Station Kotwali, District Badaun, pending in the court of learned Principal Judge, Family Court, District Badaun.

3. It is submitted by learned counsel for the applicant that the application under Section 128 Cr.P.C was moved on behalf of Priti Saxena on false and frivolous allegation. It is submitted that before filing the application under section 128 Cr.P.C, Priti Saxena had already died and the order dated 2.08.2022 was passed. It is further submitted that the applicant has moved an application before the Family Court dated 11.07.2023, in which all the facts have been disclosed, but the case is being proceeded with without hearing the aforesaid application.

4. Learned AGA opposed the prayer under the disputed fact.

5. In view of the aforesaid, the application under section 482 Cr.P.C is **disposed of** with direction that the Family Court will hear and decide the application dated 11.7.2023 before further proceeding with the case under Section 128 Cr.P.C., as expeditiously, as possible within a period of one month in accordance with law.

Order Date :- 18.10.2023

SFH