

**Court No. - 87**

**Case :-** APPLICATION U/S 482 No. - 39447 of 2023

**Applicant :-** Chokhey Singh

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

**Counsel for Applicant :-** Pankaj Kumar Srivastava

**Counsel for Opposite Party :-** G.A.

**Hon'ble Neeraj Tiwari,J.**

1. Heard learned counsel for applicant and learned A.G.A. for State.
2. This application under Section 482 Cr.P.C. has been filed seeking quashing of entire criminal proceedings of Criminal Case No. 2706 of 2023(State Vs. Chokhey Singh) and impugned charge sheet dated 05.12.2022 as well as summoning/cognizance order dated 20.04.2023, arising out of case crime No. 286 of 2019, under sections 420, 120B I.P.C., P.S. Kotwali District- Bareilly, pending in the Court of Additional Chief Judicial Magistrate, Bareilly.
3. The contention of the learned counsel for the applicant is that no offence against the applicants is 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 charge sheet dated 26.08.2018, therefore, the prayer for quashing the same is hereby refused.
5. At this stage, learned counsel for the applicants submits that applicants are on bail, therefore, they may be permitted to move discharge application before the court concerned and prayed that a direction may be issued to decide the same at the earliest.
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 applicant appears and moves an appropriate application for discharge under section 239 Cr.P.C. before the Trial court within two weeks 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 three months from the date of filing of discharge application in accordance with law.
7. Accordingly, the present application is **disposed of**.

**Order Date :-** 9.11.2023

ADY