

Court No. - 86

Case :- APPLICATION U/S 482 No. - 39549 of 2023

Applicant :- Suleman And 4 Others

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

Counsel for Applicant :- Syed Faiz Hasnain, Mohd. Hasham, Syed Riyaz Askari

Counsel for Opposite Party :- G.A., Ashfaq Ahmed Ansari

Hon'ble Rajiv Gupta, J.

1. Heard learned counsel for the applicants, learned A.G.A. for the State, Sri Ashfaq Ahmad Ansari, learned counsel for O.P. No. 2 and perused the record.

2. This application under Section 482 Cr.P.C. has been filed by the applicants with the prayer to quash the impugned summoning order dated 28.08.2023 and Non Bailable warrant dated 5.10.2023 passed by Addl. Chief Judicial Magistrate, Court No. 1, Muzaffarnagar and entire proceeding arising out of Case No. 501/12 of 2023 (Irshad Vs. Shahnawaj and others) in Case Crime No. 99 of 2023, under sections 147 149, 323, 324, 307 IPC, Police Station Chapar, District Muzaffarnagar.

3. From perusal of the record, it transpires that on account of failure of the applicants to appear before the court below, N.B.Ws. has been issued against the applicants vide impugned order dated 5.10.2023.

4. Learned counsel for the applicants has submitted that the interest of justice shall be served, provided some protection is granted by this Court to enable the applicants to appear before the court below.

5. Considering the facts and circumstances of the case, it is provided that the applicants shall appear before the court concerned within three weeks from today and move an application for recall/ cancellation of non-bailable warrant, which shall be considered and disposed of expeditiously in accordance with law.

6. For a period of three weeks from today, the execution of non-bailable warrant issued against the applicantd shall remain stayed.

7. In case of default, the interim protection granted by this Court shall stand automatically vacated and the court below shall be free to proceed against the applicants in accordance with law.

8. With the aforesaid direction, this application under Section 482 CrPC is finally disposed of.

Order Date :- 24.11.2023

RPD