

Court No. - 91

Case :- APPLICATION U/S 482 No. - 39491 of 2023

Applicant :- Nitin And Another

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

Counsel for Applicant :- Kuldeep Kumar Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar,J.

1 Heard learned counsel for the applicants and learned AGA for the State.

2. The applicants have filed this application under Section 482 Cr.P.C. with a prayer to quash the entire proceedings of Complaint No. 5084 of 2019 ((Smt. Siyarani Versus Nitin and another), under Section 354, 504, 506 I.P.C.1860, Police Station Jakhlaun, District Lalitpur, pending in the Court of Chief Judicial Magistrate, Lalitpur and the summoning order dated 01.08.2023 passed by learned Chief Judicial Magistrate, Lalitpur.

3. Learned counsel for the applicants argued that the on the basis of false and frivolous allegation, summoning order has been passed against the applicants. He further argued that no offence is made out against the applicants.

4. On the other hand learned A.G.A. has opposed the prayer but could not dispute the aforesaid fact.

5. Having regard to the facts and circumstances of the case and having considered the submissions made by the learned counsel for the parties, the present application is disposed of with a direction to the applicants to move a discharge application through counsel under Section 245 (2) Cr. P.C. before the trial court and they are free to take all the submissions in the said discharge application before the trial court and the trial court is directed to decide the aforesaid discharge application on merit expeditiously, if there is no other legal impediment. For a period of four weeks from today, no coercive action shall be taken against the applicants.

6. With the above observations, the application u/s 482 Cr.P.C. stands disposed of.

Order Date :- 30.11.2023

T.S.