

Court No. - 89

Case :- APPLICATION U/S 482 No. - 44667 of 2019

Applicant :- Vinod Kumar @ Vinod Raj And 6 Others

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

Counsel for Applicant :- Chandra Bhushan Prasad, Ananya Upadhyay, Rakesh Chandra Upadhyay

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma, J.

1. Heard learned counsel for the applicants and learned AGA for the State.
2. The present 482 Cr.P.C. application has been filed to quash the impugned charge sheet no. 29/19 dated 30.05.2019 as well as the entire criminal proceedings of Criminal Case No. 3479 of 2019, arising out of Case Crime No. 32 of 2019, under Sections 498A, 323, 506, 504 IPC and Section 3/4 of Dowry Prohibition Act, Police Station- Mahila Thana, District- Muzaffar Nagar, pending in the court of Chief Judicial Magistrate, Muzaffar Nagar.
3. By the order dated 05.12.2019, the matter was referred to Medication & Conciliation Centre of this Court and applicants were directed to deposit a sum of Rs. 20,000/- by way of demand draft. From perusal of the record, it appears that applicants have not deposited the amount directed by this Court and no notice was issued to opposite party no. 2. As per the Mediation Centre Report dated 03.10.2021, none appeared as parties were not willing for the mediation.
4. Learned counsel for the applicants submits that instant first information report is a malicious prosecution only to harass the applicants. He next submits that all family members of the applicant no. 1 (husband) have been falsely implicated in the present case as there is no evidence to prosecute the applicants in the present case.
5. Learned AGA opposes the submissions made by counsel for the applicants and submits that submissions raised by counsel for the applicants are disputed questions of fact, which cannot be examined at this stage. He next submits that earlier this matter was referred to Mediation & Conciliation Centre of this Court and

applicants have not deposited the requisite amount and flouted the order of this Court dated 05.12.2019. The act of the applicants is not appreciable.

6. Considered the submissions raised by counsel for the parties and perused the entire record. The allegation made in the first information report as well as in the statement recorded under Section 161 Cr.P.C., prima facie, disclose that offence under alleged sections is made out against the applicants. Applicants have not deposited the requisite amount and enjoyed the interim order and flouted the order of this Court.

7. In view of the above, no interference is warranted by this Court. The Trial Court is directed to proceed with the case in accordance with law.

8. The interim order passed by this Court on 05.12.2019, is hereby set-aside.

9. The present application under Section 482 Cr.P.C. is **dismissed** with the aforesaid observation.

10. However, if the applicants surrender before the concerned court within three weeks from today and applies for bail, their bail applications shall be decided expeditiously by the court concerned, in accordance with law laid down by the Apex Court in the case of **Satender Kumar Antil Vs. Central Bureau of Investigation** and another, reported in 2021 SCC OnLine SC 922.

Order Date :- 30.10.2023

Aditya