

Court No. - 92

Case :- APPLICATION U/S 482 No. - 40017 of 2023

Applicant :- Raj Narayan And 3 Others

Opposite Party :- State Of U.P. Another

Counsel for Applicant :- Ranjeet Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta,J.

1. Heard Shri Rajesh Kumar Singh holding brief of Shri Ranjeet Kumar Mishra for the applicant and Shri Rajeev Kumar Singh, learned A.G.A. for the State.

2. The instant application under section 482 Cr.P.C. has been filed seeking quashing of the summoning order dated 21.5.2005 and bailable warrant dated 26.10.2005 and Non Bailable Warrant dated 1.8.2006 as well as the entire proceedings of Complaint Case No. 477 of 2023 (Baby Rani Vs. Vijay Narayan and another) under sections 323, 498A, 504, 506 I.P.C. and 3/4 of D.P. Act police station Kotwali Fatehgarh District Farrukhabad.

3. Learned counsel for the applicant submits that with the same allegations the opposite party no. 2 has also filed an F.I.R. being registered as Case Crime No. 23 of 2005 in which the charge sheet was filed only against the husband and the applicants herein were exonerated and the cognizance against the husband was taken in the said FIR. Learned counsel for the applicants further submits that the husband of the opposite party no. 2 has expired on 27.1.2022. It is further submitted that the final report filed in favour of the applicants herein has not been challenged anywhere by the opposite party no. 2. It is further submitted that for the same allegations the instant complaint was filed by the opposite party no. 2 on which the applicants herein were summoned vide order dated 21.5.2005. However, since then they could not appear and now non bailable warrants have been issued against the applicants on 1.8.2006. Therefore, learned counsel for the applicants prays for quashing of the entire proceedings of the aforesaid case.

4. Learned A.G.A. for the State submits that the father-in-law, the applicant no. 3 was in police service and due to his influence despite the summons, bailable warrant and non bailable warrants issued in the year 2005 and 2006 the applicants herein have not appeared before the trial court for more than 18 years, therefore, at

this belated stage no indulgence can be granted to the applicants herein. In view thereof he has prayed for dismissal of the instant application on this ground alone.

5. Having heard rival submissions of the learned counsel for the parties this court has carefully gone through the record of the case and found that in the instant complaint case, learned trial court has summoned the applicants herein and thereafter bailable warrant was issued against the applicant on 21.5.2005 and subsequently non bailable warrant were issued on 1.8.2006 and since the father-in-law, the applicant no. 3 was in police, therefore, the applicants herein have deliberately avoided the appearance before the trial court for than 18 years. Therefore, since the instant application has been filed challenging the summoning order dated 21.5.2005 after 18 years and looking to the conduct of the applicants herein, this court do not find any good reason to interfere in the matter.

6. The instant application is devoid of merits and is hereby **dismissed.**

Order Date :- 4.12.2023

o.k.