

Court No. - 87

Case :- APPLICATION U/S 482 No. - 39982 of 2023

Applicant :- Kanhaiya Lal Keshri

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

Counsel for Applicant :- Narendra Deo Upahdayay, Vinay
Bhushan Upadhyay

Counsel for Opposite Party :- G.A.

Hon'ble Neeraj Tiwari, J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State.
2. Learned counsel for the applicant submitted that due to some typo-graphical error "arising out of case crime No. 109/2022" has been wrongly transcribed in the prayer of the application, therefore, he may be permitted to delete the same, for which, learned A.G.A. is having no objection.
3. Learned counsel for the applicant is permitted to delete the aforesaid expression from the prayer of the application during the course of the day.
4. The present 482 Cr.P.C. application has been filed to quash the cognizance order dated 22.02.2023, bailable warrant dated 17.07.2023 as well as entire proceeding of Case No. 2242 of 2016 (Mohd. Nayeem Vs. Kanhaiya Lal Keshri), arising out of Case Crime No. 109 of 2022, under Sections 406, 504, 323, 506 IPC- Police Station- Obra, District- Sonbhadra.
5. The contention of the learned counsel for the applicant is that no offence against the applicant 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.
6. Considering the facts and circumstances of the case, I do not find any ground to quash the criminal proceedings, therefore, the prayer for quashing the same is hereby refused.
7. However, it is provided that if the applicant appears and moves an appropriate application for discharge through counsel under

Section **245(2) Cr.P.C.** through counsel before the court below within two weeks from the date of receipt of a certified copy of this order then the application of the applicant shall be considered and decided expeditiously preferably within a period of four months in accordance with law.

8. If the applicant moves an application as stated above within two weeks, no coercive action shall be taken against the applicant till disposal of the said application.

9. Accordingly, the present application is **disposed of**.

Order Date :- 31.10.2023

ADY