

Court No. - 90

Case :- APPLICATION U/S 482 No. - 39983 of 2023

Applicant :- Vinay Kumar Gupta

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

Counsel for Applicant :- Rakesh Chandra

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Pathak,J.

1. Heard learned counsel for applicant, learned AGA and perused the record.

2. The applicant has invoked the inherent jurisdiction of this Court under Section 482 Cr.P.C., for the following reliefs :

"It is therefore most respectfully prayed that this Hon'ble Court may graciously be pleased to allow this application and quashed the impugned proceeding of the Case No.1030 of 2021, under Section 31 of the Protection of Women from Domestic Violence Act 2005, Rani Dei Vs. Vinay KUMAR Gupta and others Police Station - Kon District Sonbhadra, till the disposal of the recall restoration application pending against the ex-parte order dated 03.09.2021, in case no. 943 of 2021, under Section 12 of the Domestic Violence Act 2005, Rani Devi vs. Vinay Kumar Gupta and other Police Station-Kon District Sonbhadra, both the cases pending before learned Civil Judge Junior Division/FTC (CAW), District-Sonbhadra."

3. After due deliberation at length, learned counsel for applicant has prayed for expeditious disposal of recall/restoration application being Misc Case No.1241 of 2021 filed on behalf of present applicant against the ex-parte order dated 03.09.2021 passed by Civil Judge/Junior Division/F.T.C. (CAW), Sonbhadra, in Case No.943 of 2021 under Section 12 of the Protection of Women from Domestic Violence Act 2005 (in brevity D.V. Act). It is submitted that in proceeding under Section 12 of D.V. Act ex-parte order dated 03.09.2021 has been passed against the present applicant. Having been aggrieved he has filed the recall application which is pending consideration since the date of its filing i.e. 24.12.2021. Same is kept protracted by the contesting opposite party No.2 on one pretext or the other. It is further submitted in the meantime, opposite party No.2 has moved an application dated 26.10.2021 under Section 31 of D.V. Act, in pursuance of the ex-parte order dated 03.09.2021.

4. Learned AGA has no objection in issuing a direction for expeditious disposal of recall/restoration application within stipulated period as directed by this Court.

5. In this conspectus, as above, no useful purpose would be served to keep this matter pending, therefore, this Court deems it appropriate to finally dispose of the present application, without making any observation on the merits of the case as mentioned in the present application, with a direction to the learned court below concerned, before whom the aforesaid Misc Case No.1241 of 2021 is pending consideration, to decide the same expeditiously, preferably, within a period of two months from the date of receipt of a certified copy of this order.

6. It is expected that it should be decided in accordance with law, after affording opportunity of hearing to the parties concerned without granting unnecessary adjournments to either of the parties.

7. With the aforesaid direction, present application is **disposed of**.

Order Date :- 4.12.2023

Md Faisal