

**Court No. - 5**

**Case :-** APPLICATION U/S 482 No. - 40208 of 2023

**Applicant :-** Yadunandan @ Makhanchu And 2 Others

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

**Counsel for Applicant :-** Anand Kumar

**Counsel for Opposite Party :-** G.A.

**Hon'ble Piyush Agrawal,J.**

Heard learned counsel for applicants, learned A.G.A. for State and perused the record.

This application under Section 482 Cr.P.C. has been filed for quashing charge-sheet No.28 of 2023 dated 26.02.2023 as well as cognizance order dated 18.04.2023 issued by Additional Civil Judge (Sr. Division)/Additional Chief Judicial Magistrate, Mirzapur in Case No.652 of 2023 (State Vs. Yadunandan @ Makhanchu), arising out of Case Crime no.221/2022, under Sections 323, 324, 308, 427, 504 IPC, Police Station- Adalhat, District- Mirzapur, pending before Additional Civil Judge (Jr. Division), Court No.4, Mirzapur.

The contention of learned counsel for the applicants is that no offence against the applicants is disclosed and the present prosecution has been instituted with a malafide intention for the purposes of harassment.

Learned A.G.A. has opposed the submissions made by learned counsel for the applicants.

Under the Code of Criminal Procedure, the applicants have alternative remedy to get themselves discharge before trial court.

Accordingly, it is not appropriate for this court to exercise extraordinary jurisdiction under Section 482 Cr.P.C.

In view of above, the prayer for quashing of charge-sheet and Cognizance Order of aforesaid case is hereby refused.

Accordingly, application u/s 482 Cr.P.C. is disposed of.

However, learned trial court is directed that if applicants submit

application under appropriate Section for discharge within thirty days from today, the same shall be decided within thirty days from the date of presentation of application by speaking order.

For a period of two months or till the the disposal of discharge application, whichever is earlier, no coercive action shall be taken against the applicants.

**Order Date :- 1.11.2023**

Pravesh Mishra