

Court No. - 4

Case :- APPLICATION U/S 482 No. - 40384 of 2023

Applicant :- Smt. Amita Ghosh

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

Counsel for Applicant :- Gaurav Gulati, Rishabh Raj

Counsel for Opposite Party :- G.A.

Hon'ble Prakash Padia, J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State-respondents.

2. The applicant has preferred the present Application under Sections 482 of Code of Criminal Procedure, 1973 with the prayer to quash the entire Criminal Proceedings including the cognizance order dated 14.07.2023 in Criminal Case No. 173 of 2023 (Indira Sharm V. Aakansha Sharma and others), under Sections 12(1), 18, 19, 20, 21, 22 and 23 of the Protection of Women from Domestic Violence Act, 2005 (43 of 2005), Police Station Sadabad, District Hathras pending before the learned Additional Chief Judicial Magistrate, Sadabad, District Hathras.

3. It is argued by the learned counsel for the applicant that aggrieved with the proceeding initiated by the opposite party no.2 against the applicant and three other by way of Complaint Case No. 176 of 2003 in which summons were issued against opposite parties as contained in the aforesaid complaint. The mother of Aakansha M. Sharma approached this court stating therein that in the Transfer Petition (Civil) No. 1798 of 2023 (Aakansh M. Sharma Versus Mohit Sharma) filed against her husband Mohit Sharma in which further proceeding in Divorce Case No. 40 of 2023 has already been stayed by Hon'ble Apex Court. It is further argued that Transfer Petition (Criminal) No.548 of 2023 has also been filed by Akansha M. Sharma in which the following order was passed on 21.08.2023.

" Learned counsel for the petitioners submitted that T.P. (C) No. 1798 of 2023 is pending before this Court.

Notice has already been issued in the said transfer petition seeking transfer of the divorce petition filed by the husband.

Let the present petition be also listed along with the aforesaid Transfer

4. In view of the fact, the present application is ***disposed of finally*** permitting the applicant to move a proper application mentioning all the fact before whom aforesaid proceeding of the case is pending. If such an application along with certified copy of this order is filed before the court below, the court below is direct to decide the same in accordance with law preferably within a period of four weeks from the date of production of certified copy of this order.

5. For a period of three months or till decision on the application, whichever is earlier, no coercive action shall be taken against the applicant by the court below.

6. With the aforesaid observations, the application under Section 482 Cr.P.C. is ***disposed off***.

Order Date :- 2.11.2023

T.S.