Court No. - 87
Case :- APPLICATION U/S 482 No. - 41843 of 2023
Applicant :- Vikash @ Vikesh
Opposite Party :- State Of U.P.And Another
Counsel for Applicant :- Abhijeet Kumar Pandey,Indar Kumar Chaubey
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. The present 482 Cr.P.C. application has been filed praying for quashing the entire proceedings of Criminal Case No. 1279 of 2021 (State Vs. Vikas), arising out of Case Crime No. 0511/2018, under Sections- 498A, 323 I.P.C. and 3/4 D.P. Act, Police Station- Jalalabad, District- Shahjahanpur, pending in the court of Civil Judge (J.D.)/Fast Track Court No. 41, Shahjahanpur.

3. The contention of 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 purpose of causing harassment. He pointed out certain documents and statements in support of his contention.

4. Having heard the learned counsel for the applicant and perused the materials brought on record, it does not appear to be a fit case praying for quashing of impugned order. The prayer praying for quashing of same is hereby refused, at this stage as the argument raised by learned counsel for the applicant involves factual disputes and appraisal of evidence.

5. However, looking at the nature of offence alleged and attending facts and circumstances of the case, as have been brought on record, it is directed that if the applicant appears and surrenders before the court below within **four weeks** from today and applies for bail, his prayer for bail shall be considered and decided in accordance with law.

6. For a period of **four weeks** from today, the non-bailable warrant issued against the applicant shall be kept in abeyance.

7. The present application stands **disposed of**.

Order Date :- 22.11.2023/Arvind

Digitally signed by :-
ARVIND KUMAR GUPTA
High Court of Judicature at Allahabad