

Court No. - 86

Case :- APPLICATION U/S 482 No. - 41151 of 2023

Applicant :- Smt. Priyanka Mudgal @ Priyanka Sharma

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Mahendra Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Rajiv Gupta,J.

1. Heard learned counsel for the applicant, learned AGA for the State and perused the record.
2. The present application u/s 482 Cr.P.C. has been filed by the applicant to direct the Chief Judicial Magistrate, Agra to expedite the proceedings of Criminal Misc. Application No. 816 of 2022 (Smt. Priyanka Mudgal @ Priyanka Sharma Vs. P, K. Sinha and others), under Section 156(3) Cr.P.C., under Sections 452, 354, 323, 504 and 506 IPC, P.S. Shamshabad, District Agra within stipulated period.
3. Learned counsel for the applicant has submitted that applicant is the complainant in the instant case. He has further submitted that despite lapse of about one year, the case has not yet been decided and is progressing at snail pace, as such a direction be given to the court below to dispose of the case within a stipulated period.
4. Per contra, learned AGA has opposed the aforesaid prayer made by learned counsel for the applicant.
5. Having considered the rival submissions made by the parties and taking into consideration the law laid down by the Hon'ble Apex Court stating therein that there must be cogent and compelling reasons to expedite the proceedings, which might upset the calendar and schedule of the court below and might result in assigning an unwarranted priority to that particular case over and above other cases pending in that Court. Progression of such other cases might suffer for no reason and none of the faults of the litigants involved therein. Such petition for expediting the proceeding and concluding the proceedings within stipulated period is to be considered from all angles.

6. In the instant case, the applicant is the complainant and the court below is proceedings with the case, as such, there is absolutely no necessity to direct the court below to decide the aforesaid case filed by the applicant, expeditiously within a stipulated period, in exercise of inherent power under Section 482 Cr.P.C.

7. In view of the above, the present application under Section 482 Cr.P.C. is devoid of merit and is accordingly **dismissed.**

Order Date :- 28.11.2023

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