

Court No. - 90

Case :- APPLICATION U/S 482 No. - 41461 of 2023

Applicant :- Gopal And 3 Others

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

Counsel for Applicant :- Ruhi Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Pathak,J.

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

2. The present applicants have invoked the inherent power of this Court under Section 482 CrPC beseeching the quashing of charge sheet dated 4.3.2023 and cognizance order dated 15.7.2023 as well as entire non bailable warrant dated 8.9.2023 along with entire criminal proceeding of Case No.585 of 2023 (Sharda Vs. Gopal) arising out of Case Crime No.598 of 2022, under Sections 452, 323, 504, 325 I.P.C., Police Station Sikandrara, District Hathras, pending in the court of Judicial Magistrate, Hathras

3. After due deliberation at length, without addressing the matter on the merits of the case, learned counsel for applicants submits that previously stay of arrest of present applicants was granted by this Court vide order dated 9.12.2022, passed in CrI. Misc. Writ Petition No.19014 of 2022. At later stage, after submission of the charge sheet, non bailable warrant has been issued against the present applicants. It is further submitted that some interim protection may be granted to the present applicants to appear before the court below and participate in the criminal proceeding going on before the court concerned.

4. In this conspectus, as above, no useful purpose would be served to keep this matter pending, therefore, this Court deems it appropriate to decide the present application finally, without considering the merits of the case as mentioned in the instant application, with a direction that the present applicants, in case, appear/surrender before the court below and move a bail application within a period of two weeks from today, same shall be considered and decided by court concerned within a period of two weeks, thereafter.

5. For a period of four weeks or till the decision on the bail application, whichever is earlier, no coercive action shall be

taken against the present applicants in the aforementioned proceedings.

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

Order Date :- 21.11.2023

Md Faisal