

Court No. - 87

Case :- APPLICATION U/S 482 No. - 41807 of 2023

Applicant :- Shivdhari And 7 Others

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

Counsel for Applicant :- Dharendra Kumar Srivastava, Shaym Dhar Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Neeraj Tiwari, J.

1. Heard learned counsel for the applicants and learned A.G.A. for the State.

2. The present 482 Cr.P.C. application has been filed to quash the summoning order dated 16.05.2023, order dated 13.10.2023 passed in Criminal Revision No. 89 of 2023 as well as entire proceedings of Complaint Case No. 5797 of 2023, under Sections-325, 504, 506 I.P.C., Police Station- Unch, District- Bhadohi, pending in the court of Judicial Magistrate-II Ind Gyanpur, Bhadohi.

3. Learned counsel for the applicants submitted that a frivolous complaint has been filed by opposite party No. 2 against the applicants with general allegation of grievous injury on opposite party No. 2 and other family members without any specific role. He next submitted that only while recording statement under Section 200 Cr.P.C., opposite party No. 2 has specified the role and also alleged fracture in hand. He next submitted at the time of recording of statement under Section 202 Cr.P.C. opposite party No. 2 has produced two persons who are residents of the other village and not the injured persons, who are the eye witnesses, which creates doubt over the genuineness of the the complaint filed by opposite party No. 2.

4. Considering the facts and circumstances of the case, I do not find any ground to quash the criminal proceedings at this stage, therefore, the prayer for quashing the same is hereby refused.

5. At this stage, learned counsel for the applicants submits that applicants may be permitted to move discharge application through counsel before the court concerned and prayed that some protection may be provided to the applicant.

6. Considering the request of the applicants and in view of the entirety of facts and circumstances of the case, it is provided that if

the applicants appear and move an appropriate application for discharge through counsel under section 245(2) Cr.P.C. before the court below within two weeks from the date of receipt of a certified copy of this order then the application of the applicants shall be considered and decided expeditiously preferably within a period of four months from the date of filing of discharge application in accordance with law.

7. If the applicants move an application as stated above within two weeks from today, no coercive action shall be taken against the applicants till disposal of the said application or three months from today, whichever is earlier.

8. Accordingly, the present application is **disposed of**.

Order Date :- 22.11.2023

ADY