

Court No. - 87

Case :- APPLICATION U/S 482 No. - 41381 of 2023

Applicant :- Arun Kumar Alias Mintu And Another

Opposite Party :- State Of U.P. And Another

Counsel for Applicant :- Sarthak Verma, Namit Srivastava

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 proceeding of Case No. 846 of 2023 (State Vs. Arun Kumar alias Mintu and another), arising out of Case Crime No. 138 of 2023, under Sections 376, and 506 IPC- Police Station- Saidpur, District- Ghazipur, pending before learned court of Judicial Magistrate-I, Ghazipur.
3. The contention of the learned counsel for the applicants is that no offence against the applicants is disclosed and the present prosecution has been instituted with a malafide intention for the purposes of harassment. He pointed out certain documents and statements in support of his contention.
4. Considering the facts and circumstances of the case, I do not find any ground to quash the criminal proceedings therefore, the prayer for quashing the same is hereby refused.
5. At this stage, learned counsel for the applicants submits that applicants are on bail, therefore, they may be permitted to move discharge application before the court concerned and prayed that a direction may be issued to decide the same at the earliest.
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 under section 239 Cr.P.C. before the Trial court 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 three months from the date of filing of discharge application in accordance with law.
7. Accordingly, the present application is **disposed of**.

Order Date :- 21.11.2023

ADY