

Court No. - 5

Case :- APPLICATION U/S 482 No. - 41780 of 2023

Applicant :- Dalveer Singh And 3 Others

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

Counsel for Applicant :- Ashutosh Upadhyay

Counsel for Opposite Party :- G.A.

Hon'ble Piyush Agrawal,J.

Heard learned counsel for applicants, learned A.G.A. for State and perused the record.

This application under Section 482 Cr.P.C. has been filed for quashing of summoning order dated 03.08.2023 passed by the Civil Judge (JD), Sambhal at Chandausi arising out of the Complaint Case No. 776/2023 under sections 323/504/506/452/427 IPC, Police Station - Baniyather, District - Sambhal.

The contention of 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.

Learned A.G.A. has opposed the submissions made by learned counsel for the applicants.

Under the provisions of Criminal Procedure Code, the applicants have alternative remedy to get themselves discharged before trial court. Accordingly, it is not appropriate for this court to exercise extraordinary jurisdiction under Section 482 Cr.P.C.

In view of above, the prayer for quashing of entire criminal proceedings of aforesaid case is hereby refused.

Accordingly, application u/s 482 Cr.P.C. is disposed of.

However, learned trial court is directed that if applicants submit appropriate application under Section 239 Cr.P.C. through counsel for discharge within thirty days from today, the same shall be decided within thirty days from the date of presentation of application by speaking order.

For a period of three months or till the disposal of discharge application, whichever is earlier, no coercive action shall be taken against the applicants pursuant to the aforesaid criminal case.

Order Date :- 9.11.2023

Amit Mishra