

Court No. - 90

Case :- APPLICATION U/S 482 No. - 41686 of 2023

Applicant :- Diwari Lal

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

Counsel for Applicant :- Kamal Kaushal Upadhyay

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Pathak,J.

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

2. The present applicant has invoked the inherent power of this Court under Section 482 Cr.P.C. beseeching the quashing of charge sheet dated 27.10.2017 and cognizance/summoning order dated 11.01.2018 as well as entire proceeding of Case No.203 of 2018, arising out of Case Crime No.826 of 2016, under Sections 420, 467, 468, 471 I.P.C., Police Station Kotwali, District Etah, pending in the court of Chief Judicial Magistrate, Etah.

3. Opposite party no.2 has lodged an F.I.R. against the present applicant levelling allegation of cheating and fraud.

4. After due deliberation at length, without addressing on the merits of the case, learned counsel for the applicant submits that at initial stage, he was granted interim relief from this Court, vide order dated 24.05.2017 passed in Criminal Misc. Writ Petition No.8792 of 2017. However, in the meantime, charge sheet has been submitted and summons were issued. Present applicant could not know the issuance of summons inasmuch as he had left his previous address and started residing some other place. It is further submitted that the applicant is ready to co-operate with the court proceeding provided some protection may be accorded to him to appear before the court concerned. It is next submitted that there is no intention of the present applicant to avoid the court proceeding.

5. In this conspectus, as above, no useful purpose would be served to keep the instant application pending, therefore, this Court deems it appropriate to finally dispose of the present application, without making any observation on the merits of the case as mentioned in the present application, with a direction that in case present applicant appears/surrenders before the concerned court below and

move bail application within a period of three weeks from today, same shall be considered and decided by the learned court concerned within a period of two weeks , there after.

6. For the five weeks or till the decision of the bail application, whichever is earlier, no coercive action shall be taken against the present applicant in the aforementioned case.

7. With the aforesaid direction, present application is disposed of.

Order Date :- 9.11.2023

Jitendra