

Court No. - 89

Case :- APPLICATION U/S 482 No. - 42251 of 2023

Applicant :- Intezar And 4 Others

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

Counsel for Applicant :- Akhilesh Kumar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

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

2. This application under Section 482 Cr.P.C. has been filed to quash the impugned charge-sheet dated 20.12.2020, cognizance order dated 09.02.2021 as well as entire proceedings of Criminal Case No.390 of 2021 arising out of Case Crime No.390 of 2021(State vs. Intezar and others), under section 174-A I.P.C., Police Station Kotwali Dehat, District Saharanpur, pending in the court of Additional Chief Judicial Magistrate 1st, Saharanpur.

3. Learned counsel for the applicants submits that instant proceeding is initiated by opposite party no.2 that the applicants were absconding in proceeding in Case Crime No.112 of 2020. Thereafter, instant FIR lodged against the applicants. Learned counsel for the applicants submits that applicants challenged the proceeding in Criminal Case No.1289 of 2021 arising out of Case Crime No.112 of 2020 (State vs. Intezar and others), under sections 147, 148, 149, 452, 323, 307, 504, 506 I.P.C., Police Station Kotwali Dehat, District Saharanpur. Hon'ble Court by order dated 10.11.2022 in terms of compromise made between the applicants and opposite party no.2 has set aside the charge-sheet dated 05.04.2021, cognizance order dated 12.04.2021 and the proceeding in Criminal Case No.1289 of 2021 arising out of Case Crime No.112 of 2020 (State vs. Intezar and others), under sections 147, 148, 149, 452, 323, 307, 504, 506 I.P.C. Learned counsel for the applicants submits that the instant proceeding is initiated on account of proceeding initiated against the applicants in Case Crime No.112 of 2020. Now initially proceeding has been quashed by this Court and allegation in the instant proceeding when the applicants did not appear in the earlier proceeding, this FIR was lodged against the applicants. The present proceeding initiated against the applicants is abuse of the process of the court.

4. Learned AGA opposed the submission made by learned counsel for the applicants.

5. Considered the arguments of both the parties and perused the record. No fruitful purpose would be served keeping the proceeding pending against the applicants as cognizance taken against the applicants in pursuance of the FIR lodged against the applicants is quashed by this Court. The object of aforesaid section 174-A of I.P.C. is to secure the presence of proclaimed offender. The

applicants who have been declared proclaimed offender in criminal proceeding that criminal proceeding has been quashed by co-ordinate Bench of this Hon'ble Court by order dated 10.11.2022. Thus, in view of aforesaid observation, there is no useful purpose to keep this matter alive/pending.

6. Thus, in view of above, charge-sheet dated 20.12.2020, cognizance order dated 09.02.2021 as well as entire proceedings of Criminal Case No.390 of 2021 arising out of Case Crime No.390 of 2021(State vs. Intezar and others), under section 174-A I.P.C., Police Station Kotwali Dehat, District Saharanpur, are hereby set aside.

7. Accordingly, the application u/s 482 Cr.P.C. is **allowed**.

Order Date :- 20.11.2023

SKD