

Court No. - 5

Case :- APPLICATION U/S 482 No. - 42012 of 2023

Applicant :- Jitendra

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

Counsel for Applicant :- Rajesh Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Piyush Agrawal,J.

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

This application under Section 482 Cr.P.C. has been filed for quashing of cognizance order dated 01.10.2021 and entire criminal proceedings of Case No.11695 of 2021 (State vs. Jitendra), arising out of Case Crime No. 53 of 2020, under Section 323 I.P.C., P.S. Kotwali Dehat, District- Etah, pending in the Court of C.J.M., Etah.

The contention of learned counsel for the applicant is that no offence against the applicant 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 applicant.

Under the Code of Criminal Procedure, the applicant has alternative remedy to get himself discharge 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 cognizance order and 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 applicant submits application under appropriate Section 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 two months or till the the disposal of discharge application, whichever is earlier, no coercive action shall be taken against the applicant.

Order Date :- 16.11.2023

Pravesh Mishra