

Court No. - 93

Case :- APPLICATION U/S 482 No. - 42351 of 2023

Applicant :- Abhishek

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

Counsel for Applicant :- Sarvesh

Pandey, Chandra Bhushan Singh

Counsel for Opposite Party :- G.A.

Hon'ble Manoj Bajaj, J.

This application u/s 482 Cr.P.C. has been filed for quashing the orders dated 19.06.2019 and 4.10.2023 passed by court of Additional Chief Judicial Magistrate, Gautam Budh Nagar in complaint case no.204 of 2018, under Section 494 IPC, Police Station Sector- 58 Noida, District Gautam Budh Nagar whereby firstly the process was issued against the accused and later on non-bailable warrants were issued against him to secure his presence.

At the very outset, learned counsel for the applicant submits that the prosecution of the applicant arises from a matrimonial dispute and the applicant is willing to settle the same through the mediation efforts. He submits that after passing of the summoning order dated 19th June, 2019, no effective service was made, therefore, he was not aware of the pendency of

the criminal proceedings and he came to learn about this only after issuance of the non-bailable warrants on 4th October, 2023. He prays that the non-bailable warrants dated 04.10.2023 be quashed.

Considering the limited stand of the applicant as well as the availability of alternative remedy to the applicant, this Court is not inclined to entertain the sole ground of mediation taken by the applicant at this stage, as he is yet to put in appearance before the trial court. Further, it may be noticed here that the non-bailable warrants dated 4th October 2023 were operative till 25th October, 2023, and if, subsequently fresh warrants were issued against the applicant, he can avail the appropriate remedy available to him under the law.

Apart from it, in case the applicant is seriously willing to settle the dispute with his wife, he can make a prayer for this attempt before the court where the case is pending and it would be convenient for the parties to explore the chances of compromise at district- Gautam Budh Nagar.

With the above observations, this application is disposed of.

Order Date :- 20.11.2023/Raj