

**Court No. - 90**

**Case :- APPLICATION U/S 482 No. - 42759 of 2023**

**Applicant :-** Siyaram And 2 Others

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

**Counsel for Applicant :-** Gaurav Kumar Shukla,Vikas Yadav

**Counsel for Opposite Party :-** G.A.

**Hon'ble Dinesh Pathak,J.**

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

2. The applicants have invoked the inherent jurisdiction of this Court with the following relief:

*"It is, therefore most respectfully prayed that this Hon'ble Court may kindly be pleased to quash the entire proceeding arising out of the order dated 03.01.2023 passed by Learned Judicial Magistrate, Court no 25, Basti, in Complaint Case No. 06 of 2017 Under Section 323, 504, 506, 427 I.P.C., pending in court of Learned 12th Judicial Magistrate, Basti.*

*It is further prayed that during pendency of the instant application this Hon'ble Court may kindly pleased to stay the further proceeding in Criminal Case No. 06 of 2017 (Rambriksh Vs. Siyaram), Under Section 323, 504, 506, 427 I.P.C, pending in the court of Learned Judicial Magistrate, Court no 25, Basti and or pass such other and further order which this Hon'ble Court may deem fit and proper under the facts and circumstances of the present case."*

3. After due deliberation at length, without pressing the matter on its merits, learned counsel for the applicants has urged to grant protection to the present applicants so that they may appear before the Court below and participate in the Court proceedings. It is further submitted that the order impugned could not be brought to their knowledge in time, therefore, they could not appear before the court below.

4. In this conspectus as above, no useful purpose would be served to keep the instant application pending, Therefore, this court deems it appropriate to decide the present application finally without entering into the merits of the case with a liberty to the present applicants that in case they surrender/appear and file a bail application before the court below within a period of three weeks from today, the same shall be considered and decided by the court

concerned within a period of two weeks thereafter.

5. In the interest of justice, for a period of five weeks or till a decision on the bail application whichever is earlier, no coercive action shall be taken against the present applicants in aforementioned Complaint Case No. 06 of 2017.

6. With the aforesaid observations, present application is finally **disposed** of.

**Order Date :-** 13.12.2023/vkg