

Court No. - 92

Case :- APPLICATION U/S 482 No. - 43591 of 2023

Applicant :- Anil Pachauri And 3 Others

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

Counsel for Applicant :- Ravindra Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta,J.

1. Heard Sri Ravindra Kumar, learned counsel for the applicants and Sri Sunil Kumar Kushwaha, learned A.G.A. for the State.

2. The instant application under Section 482 Cr.P.C. has been filed seeking quashing of the ex-parte order dated 09.05.2022, passed by the Judicial Magistrate, Village Court Tundla, District- Firozabad, in Case No. 5382 of 2012 (Prabha Pachauri vs. Anil Pachauri and Others) u/S 12, 18, 19, 20 of the Protection of Women from Domestic Violence Act, 2005 and also the recovery warrants issued against the applicants dated 12.10.2022, in Misc. Case No. 17 of 2022 u/S 31 of the Protection of Women from Domestic Violence Act, 2005, P.S.- Narkhi, District- Firozabad.

3. Learned counsel for the State raises a preliminary objection against the order impugned i.e., 09.05.2022, passed by the Judicial Magistrate, Village Court Tundla, District- Firozabad, that since, the alternative and effective remedy is already available u/S 29 of the Protection of Women from Domestic Violence Act, to the applicants herein, therefore, the instant application is not maintainable.

4. In view thereof, learned counsel for the applicants seeks to withdraw the instant application with liberty to file the appeal as provided u/S 29 of the Protection of Women from Domestic Violence Act.

5. In view of the aforesaid submissions made learned counsels for the parties, the instant application is **dismissed as withdrawn** with liberty to the applicants to file the appropriate proceedings against the order in terms of the Act, within a period of four weeks from today alongwith a certified copy of this Order. If such appeal is filed within four weeks, then, the concerned court shall not raise any objection with regard to the delay in filing the proceedings under the said Act.

Order Date :- 5.12.2023

Shubham Arya