

Court No. - 93

Case :- APPLICATION U/S 482 No. - 43492 of 2023

Applicant :- Smt. Kallo Devi @ Kaneez And 8 Others

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

Counsel for Applicant :- Arvind Kumar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Manoj Bajaj,J.

Applicants being accused have approached this Court through this application under Section 482 Code of Criminal Procedure seeking quashing of the proceedings of Complaint Case Old No. 463 of 2017, titled *Arbianaj @ Babli Vs. Mohammad Rafiq and others*, presently, new Case No. 1215 of 2016, under Sections 323, 504, 506, 427, 452, 498-A I.P.C., Section 3/4 of Dowry Prohibition Act, 1961, pending in the court of Additional Chief Judicial Magistrate, Court No.3, Varanasi.

During the course of hearing, it is not disputed by learned counsel that the process against the applicants was issued on 2.8.2017 and at that stage, the applicants filed a petition bearing Application U/S 482 No. 15748 of 2018 (Abdul Haque @ Pappu Vs. State of U.P. and another), wherein, vide order dated 10.5.2018 the further proceedings before the trial court were stayed.

When learned counsel was confronted with the maintainability of the application, during the pendency of the earlier one, he submits that since

the interim order passed in the said case has ceased to operate, therefore, applicants have once again filed this application. Though, according to him, his application seeking extension of stay filed in the earlier case is also pending adjudication.

Upon hearing the learned counsel and considering the background of this case, this Court finds that the applicants have already availed their remedy against the impugned complaint etc. before this Court under Section 482 Cr.P.C., which is pending adjudication, therefore, the present application based on the same cause of action is nothing but an abuse of the process of law. The applicants have wasted the time of the Court, therefore, this Court deems it appropriate to saddle them with a costs of Rs.10,000/- to be deposited with the High Court Legal Services Committee, High Court Allahabad.

The application fails and is dismissed.

Order Date :- 29.11.2023
P.S.Parihar