

Court No. - 93

Case :- APPLICATION U/S 482 No. - 43326 of 2023

Applicant :- Gayur Malik

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

Counsel for Applicant :- Raj Kumar Mishra, Sanjay Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Manoj Bajaj, J.

Applicant being accused has approached this Court through this application under Section 482 Code of Criminal Procedure seeking quashing of the proceedings of Complaint Case No. 842 of 2020, titled Ganga Roller Floor vs. Gayur Malik and others, under Sections 420 and 506 I.P.C., P.S. Loni Border, district-Ghaziabad, as well as impugned summoning order dated 29.8.2023 passed by Additional Chief Judicial Magistrate court no. 5, Ghaziabad.

When confronted with the maintainability of the application, in view of the availability of alternative remedy of revision against the impugned order issuing process against the applicant, learned counsel for applicant prays for withdrawal of this application with liberty to approach the court of sessions.

Prayer is accepted.

The application is ordered to be dismissed as withdrawn with the liberty aforesaid.

In case the applicant files a revision petition within a period of two weeks, the same shall be decided on merits without going into the delay in filing the revision.

Certified copy, if any, shall be returned to the learned counsel for the applicant on his supplying photo stat copy of the same.

Order Date :- 4.12.2023

Faridul