

**Court No. - 93**

**Case :-** APPLICATION U/S 482 No. - 44263 of 2023

**Applicant :-** Noor Mohammad

**Opposite Party :-** State Of U.P. And 2 Others

**Counsel for Applicant :-** Ram Prasad Dubey

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

**Hon'ble Manoj Bajaj,J.**

Applicant- Noor Mohammad has filed this application under Section 482 Code of Criminal Procedure to quash the final order dated 25.10.2023 passed by Judicial Magistrate, Siddharth Nagar in Case No.178 of 2019, titled Amina Khatoon Vs. Noor Mohammad and others, filed under Section 12 of the Domestic Violence Act, 2005, Police Station- Siddharth Nagar, District Siddharth Nagar.

When confronted with the maintainability of the petition under Section 482 Code of Criminal Procedure, as the impugned order is appealable under Section 29 of The Protection of Women from Domestic Violence Act, 2005, learned counsel for the applicant does not press this application in order to avail the alternative statutory remedy.

The prayer is accepted. The application is dismissed as withdrawn with the liberty aforesaid.

Since the impugned order has been passed subsequent to the order dated 16th October, 2023 passed by this Court in application bearing number

38280 of 2023, whereby the order granting maintenance under Section 125 of Code of Crime Procedure is challenged and the parties have been relegated to the mediation and conciliation centre of this Court and the proceedings regarding settlement are pending, therefore, it is directed that in case, the applicant files the appeal within 15 days, the same be adjudicated upon merits, if so required, without entering into the issue on delay.

**Order Date :- 4.12.2023**

Raj