

Court No. - 93

Case :- APPLICATION U/S 482 No. - 44272 of 2023

Applicant :- Satyapal Verma

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

Counsel for Applicant :- Pankaj Sharma, Prashant Sharma

Counsel for Opposite Party :- G.A.

Hon'ble Manoj Bajaj, J.

Satyapal Verma-accused has filed this petition under Section 482 Cr.P.C. seeking quashing of the order dated 14.12.2021 issuing non-bailable warrant against him, as well as the orders dated 15.7.2023 and 16.11.2023 issuing proceedings under Sections 82 and 83 Cr.P.C. by Additional Chief Judicial Magistrate-Ist, Firozabad in Criminal Misc. Case No. 114 of 2008, arising out of Case Crime No. 78 of 2007, under sections 504, 506 I.P.C. and section 3(1) (X) Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, P.S. Basti, District-Firozabad.

Learned counsel for the applicants submits that at the instance of opposite party no. 2 namely, Charan Singh the subject F.I.R. bearing Case No. 78 of 2007 was registered which relates to the alleged incident dated 14.2.2007 and after investigation according to the final report, no such occurrence had taken place but on the basis of the protest petition filed by opposite party no. 2, the Additional Chief Judicial Magistrate, Firozabad while rejecting the final report summoned the applicant, vide order dated 24.4.2008 for alleged commission of said offence.

Learned counsel has pointed out that through an application filed under Section 482 Code of Criminal Procedure No. 15224 of 2008 the further proceedings in the case was stayed, vide order dated 16.6.2008, but subsequently, the said case was dismissed for non prosecution on 22.11.2021. According to him,

the application seeking restoration of the said application is still pending for consideration. He further submits that after dismissal of the case for non prosecution, the court has issued warrants against the accused to secure his presence, therefore the applicant has approached this Court for quashing of impugned orders.

After hearing learned counsel for the applicant and considering his submissions, this Court finds that the applicant has already filed a petition bearing no. 15224 of 2018 challenging the entire criminal proceedings initiated by opposite party no. 2 and his application for restoring the said case is pending. Since the impugned orders have been passed as a consequence of the dismissal of the said petition, wherein the restoration application is pending, therefore this Court is not inclined to entertain this petition as the issues can be raised either by the applicant before this Court in the pending case or before Magistrate by moving an application for recalling or cancellation of the warrants.

Above all after dismissal of this case bearing no. 15224 of 2018, it was incumbent for the applicant to appear before the court and since he has failed to respond to the ordinary process, therefore in these compelling circumstances, the Court issued coercive steps to secure his presence.

Resultantly, no case is made out for interference. The application fails and is dismissed.

Order Date :- 5.12.2023
Faridul