

**Court No. - 93**

**Case :-** APPLICATION U/S 482 No. - 44223 of 2023

**Applicant :-** Alok Kumar

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

**Counsel for Applicant :-** Narendra Singh Chahar

**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 5404 of 2023, titled Atul Gahlot vs. Alok Kumar, under Sections 420, 504 and 506 I.P.C., P.S. Wave City, district-Ghaziabad, as well as summoning order dated 30.6.2023 passed by Additional Chief Judicial Magistrate/Civil Judge (S.D.)/F.T.C., Ghaziabad.

When confronted with the maintainability of the petition under Section 482 Code of Criminal Procedure as the impugned summoning order dated 30.6.2023, issuing process against the applicant, under Section 204 Code of Criminal Procedure is revisable, learned counsel for the applicant prays for withdrawal of this petition in order to avail the alternative statutory remedy before the court of sessions.

Prayer is accepted.

The petition is dismissed as withdrawn with liberty as prayed.

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 issue of 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