

Court No. - 87

Case :- APPLICATION U/S 482 No. - 45951 of 2023

Applicant :- Ram Kumar Kanaujiya And 3 Others

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

Counsel for Applicant :- Avadh Raj Sharma

Counsel for Opposite Party :- G.A.

Hon'ble Neeraj Tiwari,J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State and perused the entire record.
2. This application under Section 482 Cr.P.C. has been filed seeking quashing of the summoning order dated 06.07.2023 as well as entire proceeding of Complaint Case no. 1655 of 2022 (Suman Kanaujiya Vs. Pawan Kumar Kanaujiya and others), under sections 427, 397 IPC, P.S.- Attarsuiya, District Allahabad, pending in the court of Additional Chief Judicial Magistrate, Court No. 7, Allahabad.
3. The contention of the learned counsel for the applicant is that no offence against the applicant is disclosed and the present prosecution has been instituted with a malafide intention for the purposes of harassment. He pointed out certain documents and statements in support of his contention.
4. Considering the facts and circumstances of the case, I do not find any ground to quash the criminal proceedings including summoning order dated 06.07.2023, therefore, the prayer for quashing the same is hereby refused.
5. At this stage, learned counsel for the applicant submits that applicant may be permitted to move discharge application before the court concerned and prayed that some protection may be provided to the applicant.
6. Considering the request of the applicant and in view of the entirety of facts and circumstances of the case, it is provided that if the applicant appears and moves an appropriate application for discharge under section 245(2) Cr.P.C. through counsel before the court below within two weeks from the date of receipt of a certified copy of this order then the application of the applicant

shall be considered and decided expeditiously preferably within a period of four months from the date of filing of discharge application in accordance with law.

7. If the applicant moves an application as stated above within two weeks from today, no coercive action shall be taken against the applicant till disposal of the said application or four months from today, whichever is earlier.

8. Accordingly, the present application is **disposed of**.

Order Date :- 16.12.2023

Sartaj