

Court No. - 87

Case :- APPLICATION U/S 482 No. - 45849 of 2023

Applicant :- Raghav Bhatia And Another

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

Counsel for Applicant :- Bhavya Sahai

Counsel for Opposite Party :- G.A.

Hon'ble Neeraj Tiwari,J.

1. Heard learned counsel for applicants, learned A.G.A. for State and perused the record.
2. This application under Section 482 Cr.P.C. has been filed for quashing of complaint dated 17.2.2023 as well as summoning order dated 20.7.2023 in Criminal Complaint Case No. 47267 of 2023 (Kaptan Singh Vs. Ruchir Bhatia and others) pending in the court of Metropolitan Magistrate, Court No. 4, Kanpur Nagar, under Section 323, 504, 506 IPC P.S. Mahrajpur, Distt. Kanpur Nagar.
3. The contention of learned counsel for the applicants is that no offence against the applicants is disclosed and the present prosecution has been instituted with a malafide intention for the purposes of harassment.
4. Learned A.G.A. has opposed the submissions made by learned counsel for the applicants.
5. Under the provisions of Criminal Procedure Code, the applicants have alternative remedy to get themselves discharged before trial court. Accordingly, it is not appropriate for this court to exercise extraordinary jurisdiction under Section 482 Cr.P.C.
6. In view of above, the prayer for quashing of complaint case as well as summoning order of aforesaid case is hereby refused.
7. Accordingly, application u/s 482 Cr.P.C. is **disposed of**.
8. However, learned trial court is directed that if applicants submit appropriate application under Section 239 Cr.P.C. through counsel for discharge within thirty days from today, the same shall be decided within thirty days from the date of presentation of

application by speaking order.

9. Till the disposal of discharge application or for a period of two months, whichever is earlier, no coercive action shall be taken against the applicants in the aforesaid case crime number.

Order Date :- 16.12.2023

ADY