

Court No. - 28

Case :- APPLICATION U/S 482 No. - 1507 of 2019

Applicant :- Diwakar Kanaujia And Ors.

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

Counsel for Applicant :- Pankaj Gupta

Counsel for Opposite Party :- G.A.,Neeraj Sahu

Hon'ble Shree Prakash Singh,J.

Heard learned counsel for the parties and perused the material placed on record.

Learned counsel for the applicants submits that on 14.03.2017, an N.C.R was lodged by the sister of opposite party no.2 and thereafter on 17.03.2017, showing the date of occurrence as 14.03.2017, and Application u/s 156 (3) was moved and later on it was treated as a complaint case and the present applicants have been summoned. He argued that, in fact, no such offence has ever been committed by the applicants and there are certain discrepancies in the Application u/s 156 (3) of Cr.PC. moved by the opposite party no.2 and further the trial court ignoring the above said discrepancies, issued summons against the applicants.

After the aforesaid argument, learned counsel for the applicants submits that the interest of justice would be sub-served if this Hon'ble Court may be pleased to grant liberty to the applicant move discharge application before the trial court within the period as may be fixed by this Court.

Learned counsel for opposite party no.2 as well as learned AGA for the State has no objection to the contention aforesaid.

In view of the above submissions, the applicants are granted liberty to move discharge application within a period within fifteen days before the trial court concerned and if such application is filed, the same shall be decided by the trial court within a further period of thirty days, strictly in accordance with law.

With the aforesaid observation, the application is hereby **disposed of.**

The parties shall co-operate with the proceedings of the trial court.

For the period of 45 days, the nonailable warrant issued against the applicant is hereby kept in abeyance.

It is clarified that after the period of 45 days is over, recourse is open to the trial court to proceed against the applicants.

Order Date :- 12.10.2023

Manoj K.