

Court No. - 12

Case :- APPLICATION U/S 482 No. - 4227 of 2013

Applicant :- Pal Singh Yadav

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

Counsel for Applicant :- Pal S. Yadav In Person

Counsel for Opposite Party :- Govt. Advocate, Ashish Kumar Mishra, Aslam Javed Siddiqui, Pramod Kumar Shukla

Hon'ble Rajeev Singh, J.

1. Heard learned counsel for the applicant as well as learned A.G.A. for the State.

2. The present application has been filed for quashing the orders dated 5.3.2004, 18.3.2004 and 20.7.2013 passed by learned trial court.

3. On 1.11.2023, following order was passed:-

1. In pursuance of the earlier order dated 18.10.2023, applicant as well as respondent no. 2 are present before this Court and have been duly identified by their respective counsel.

2. The applicant informs that an application for withdrawal of the Complaint Case No. 536 of 2004 (new No. 1101 of 2009), under Section 494, 323, 504, 506 I.P.C., P.S. Aliganj, District Lucknow has already been moved before the Judicial Magistrate, III, Lucknow on 20.10.2023 and the next date fixed is 15.11.2023, on which date, it is expected that formal order will be passed in the aforesaid application.

3. List this case on 16.11.2023.

4. Judicial Magistrate, III, Lucknow is directed to decide the application of the applicant-Pal Singh Yadav for withdrawal/cancellation of the complaint Case No. 536 of 2004 (supra) and pass appropriate order.

5. On the next date, the parties shall again appear before this Court.

6. It is expected from both the parties that the order passed by the court below shall be placed before this Court on the next date.

4. As parties are present and they categorically informed that complaint Case No.536/2004 (new No.1101 of 2009) has already been withdrawn by the applicant and today order has been passed by the court below and application for obtaining certified copy of the order has also been submitted. They also stated that all the issue has been resolved as mentioned in the affidavit dated 30.10.2023.

5. Private respondent has no objection, in case, the proceeding in question is quashed.

6. Considering the submissions of learned counsel for the applicant, learned A.G.A. and going through the contents of application, affidavit dated 27.10.2023 filed by applicant and affidavit dated 30.10.2023 filed by the private respondent, as all the cases has been withdrawn by the parties pending against each other and they are enjoying their life, therefore, this Court is of the view that impugned proceeding is liable to be quashed.

7. In view of the above, the present application under Section 482 Cr.P.C. is **allowed** and the impugned orders dated 5.3.2004, 18.3.2004 and 20.7.2013 passed by learned trial court are hereby quashed.

Order Date :- 16.11.2023

Gaurav/-