

Court No. - 11

Case :- APPLICATION U/S 482 No. - 3853 of 2021

Applicant :- Mohd. Siddique And Ors.

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

Counsel for Applicant :- Dileep Kumar Mishra,Prabhat Mishra

Counsel for Opposite Party :- G.A.,Farooq Ahmad

With

Case :- APPLICATION U/S 482 No. - 3852 of 2021

Applicant :- Mohd. Shahid

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

Counsel for Applicant :- Dileep Kumar Mishra,Prabhat Mishra

Counsel for Opposite Party :- G.A.,Farooqahmad,Mohd. Ajmal

Hon'ble Saurabh Lavania,J.

1. Heard learned counsel for the applicants and learned AGA for the State as well as perused the record.

2. The present application as also the connected application have been filed for the following main relief:-

"Wherefore, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to quash the Chargesheet No.02 dated 25.9.2020, under Section 498A, 323, 504, 506 I.P.C. and 3/4 D.P. Act in case crime/F.I.R. No. 0848, at Police Station- Thakurganj, District- Lucknow Gramin, contained in Annexure No.1 to this petition.

This Hon'ble Court further be pleased to quash the entire criminal proceeding of criminal case No.59263 arising out of case crime No.0848, under Section 498A, 323, 504, 506 1.P.C. and 3/4 D.P. Act, Police Station- Thakurganj, District- Lucknow Gramin which is pending before Special Additional Chief Judicial Magistrate, Lucknow."

3. After arguing at some length, learned counsel for the applicants has submitted that liberty may be given to the applicant for moving a discharge application before the court below and the same may be decided expeditiously.

4. It is further prayed that liberty may also be given to the applicant to file bail application before the trial court which may be decided in view of law laid down by Hon'ble Supreme Court in order dated **7.10.2021** passed in **Petition for Special Leave to Appeal (Cri) No.5191 of 2021 Satender Kumar Antil versus Central Bureau of**

Investigation and another.

5. Learned AGA has no objection to the prayer made by learned counsel for the applicants.

6. As prayed, liberty is granted to the applicants to move discharge application before the court below and the same shall be decided expeditiously in accordance with law.

7. As far as prayer made by learned counsel for the applicants to grant liberty to the applicants to file bail application and the same may be decided in view of law laid down in the case of **Satender Kumar Antil (surpa)**, liberty is given to the applicants to move bail application before the trial court and the same shall be decided in view of law laid down in the case of **Satender Kumar Antil (supra)**.

8. With the aforesaid observations, the present petition is **disposed of**.

Order Date :- 30.11.2023

Mohit Singh