

Court No. - 28

Case :- APPLICATION U/S 482 No. - 7726 of 2023

Applicant :- Arti Kaushal And Another

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Civil
Secrett. Lko. And Another

Counsel for Applicant :- Shuaib Khan

Counsel for Opposite Party :- G.A.,In Person

Hon'ble Shree Prakash Singh,J.

Rejoinder affidavit filed today is taken on record.

Heard Shuaib Khan, learned counsel for the applicants, Sri Aniruddh Kumar Singh, learned A.G.A.-I for the State, Sri Amit Kapoor in person for the opposite party no.2.

Instant application has been filed with the prayer to quash the charge sheet dated 7.2.2023, summoning order dated 25.5.2023 in connection of First Information Report No.457/2023, Case Crime No.59176 of 2023 under SEctions 109, 427 I.p.C., P.S. Vibhuti Khand, District Lucknow (State Versus Arti Kaushal and others) pending before Chief Judicial Magistrate, Lucknow.

Learned counsel for the applicants submits that the opposite party no.2 lodged an F.I.R. on 4.9.2021 while narrating the concocted and baseless story. He added that the opposite party no.2 is in habit of lodging the F.I.R. He next added that the Investigating Officer without collecting the material substance, has filed the charge sheet and the trial court ignoring the same summoned the accused-applicants. Therefore, submission is that whole criminal proceedings against the applicants are sheer abuse of process of law and are liable to be quashed.

On the other hand, learned counsel for the opposite party no.2 has vehemently opposed the contention aforesaid and submits that there is cogent piece of evidence so as to corroborate the story of the prosecution and there is C.C.T.V. footage which also supports the version of the prosecution, as such, the applicants are not entitled to any relief.

After the argument at length, learned counsel for the applicants submits that interest of justice would be sub-served, if this Court directs the court below to permit the applicants to appear before the court below and file an application of discharge. He further submits that the court below may be directed to decide

the discharge application within stipulated period of time, as may be fixed by this Court.

Learned AGA for the State has no objection to the aforesaid submission.

In view of aforesaid, the applicants are permitted to file an application for discharge before the court below within a period of ten days from today and if such an application is filed, the same shall be decided within a further period of 45 days, strictly in accordance with law.

With the aforesaid observation, the application is **disposed off**.

Order Date :- 13.10.2023

Ram Murti