

Court No. - 28

Case :- APPLICATION U/S 482 No. - 9462 of 2023

Applicant :- Fatima Khatoon And 2 Others

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

Counsel for Applicant :- Ranjit Yadav, Maya Ram Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Shree Prakash Singh, J.

Heard learned counsel for the applicants, Sri Aniruddh Kumar Singh, learned A.G.A.-I for the State and perused the material placed on record.

The instant application has been filed with the prayer to set aside the impugned order dated 5.4.2023 passed by Additional Civil Judge (J.D.)-III/J.M., Ambedkar Nagar in Complaint No.2899 of 2022 CNR No.UPAN040149552022 (Rais Vs. Fatima & others) by which the trial court summoned the innocent applicants to face trial under Sections 323, 380, 427 I.P.C. and also to quash the entire proceeding of the above noted case.

Learned counsel for the applicants submits that the applicants are not involved in committing the offence and the story narrated in the F.I.R. is concocted and frivolous. He added that the criminal proceedings against the present applicants are nothing but harassment.

On the other hand, learned A.G.A. for the State has opposed the contention aforesaid and submits that there is no abuse of process of law and only factual matrix has been agitated before this Court and that could not be gone into at this stage, invoking the jurisdiction under Section 482 Cr.P.C. and, thus, the application is liable to be dismissed.

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 seven 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 :- 18.10.2023

Ram Murti