

Court No. - 28

Case :- APPLICATION U/S 482 No. - 9846 of 2023

Applicant :- Saurabh Pandey

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

Counsel for Applicant :- Amit Shukla,Laxmi Kant Ojha,Utkarsh Misra

Counsel for Opposite Party :- G.A.

Hon'ble Shree Prakash Singh,J.

1. Heard Sri Amit Shukla, learned counsel for the applicant, Sri Girijesh Kumar Dwivedi, learned A.G.A. for the State and perused the record

2. The instant application has been filed with prayer to quash the charge sheet arising out of Case Crime No.- 273 of 2022 U/S 354,354(D), 504, 506 I.P.C. Police Station Kadipur, District- Sultanpur as well as summoning order dated 20.05.2023 passed by Civil Judge (Junior Division/Judicial Magistrate District Sultanpur, while taking cognizance in the matter on 20.05.2023 in Case Crime No.- 273 of 2022 U/S 354,354(D), 504, 506 I.P.C. Police Station Kadipur, District-Sultanpur, the applicant was summoned and the proceedings of criminal case arising out of Case Crime No.- 273 of 2022 U/S 354,354(D), 504, 506 I.P.C. Police Station Kadipur, District-Sultanpur, may be stayed.

3. Learned counsel appearing for the applicant submits that there is no evidence at all against the applicant and only on the basis of statement recorded by the police under Section 161 of Cr.P.C., the whole proceeding has been initiated and chargesheet has been filed. He added that the criminal proceedings against the present applicant is nothing but harassment.

4. On the other hand, learned counsel appearing 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 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.

5. After the argument at length, learned counsel for the applicant 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.

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

7. In view of aforesaid, the applicant is permitted to file an application for discharge before the court below within a period of two weeks from today and if such an application is filed, the same shall be decided within a further period of 30 days, strictly in accordance with law.

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

Order Date :- 10.10.2023

Mayank