

Court No. - 28

Case :- APPLICATION U/S 482 No. - 10067 of 2023

Applicant :- Rahmat Elahi Khan And Another

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

Counsel for Applicant :- Faizal Hashmi

Counsel for Opposite Party :- G.A.

Hon'ble Shree Prakash Singh,J.

1. Heard Faizal Hashmi, learned counsel for the applicants and Sri B.N.Nishad, learned A.G.A. for the State as well as perused the record.

2. Instant application under Section 482 Cr.P.C has been filed with following reliefs:-

a) To quash the charge sheet dated 27.09.2022, filed in Case Crime No. 0138/2022, Under Section- 420, 406, 506 Indian Penal Code, Police Station-Kaisebagh, District-Lucknow.

b) To quash the cognizance& summoning order dated 21.02.2023, by which applicants are being directed to appear and participate in the trial registered as criminal case no. 202335/23 on 24.04.2023.

c) To quash the proceedings of the criminal case number 20335/2023, pending before the Additional Chief Judicial Magistrate 1st Lucknow, relating to case crime number 138/2022, Under Section- 420, 406, 506, dated 13.08.2022, registered at P.S.-Kaiserbagh, District-Lucknow.

d) To quash the Non Bailable Warrant (N.B.W.) dated 31.07.2023, issued in Case Crime No. 0138/2022, Under Section- 420, 406, 506 of Indian Penal Code, Police Station-Kaiserbagh, District- Lucknow.

e) Any other order or direction as this Hon'ble court may deems fit, in the present circumstances of the case, in the interest of justice.

3. Learned counsel for the applicants submits that the applicants are innocent and they have falsely been implicated in the present case with false and frivolous allegations. He further added that the applicants were not involved in committing the alleged offence as has been mentioned in the first information

report.

4. At this stage, learned counsel for the applicants submits that he does not want to press the application and seeks liberty to file bail application before the learned trial court which may be decided in view of law laid by Hon'ble Supreme Court's judgment in the case of **Satender Kumar Antil versus Central Bureau of Investigation and another (2022)10 SCC 51**.

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

6. On due consideration to the submissions of learned counsel for the parties, it is provided that in case, the applicants appear before the trial court within two weeks from today and file bail application, the same shall be decided expeditiously in view of law laid down in the case of **Satender Kumar Antil (supra)**.

7. The application is **disposed off** accordingly.

Order Date :- 13.10.2023

Mayank