

Court No. - 28

Case :- APPLICATION U/S 482 No. - 10465 of 2023

Applicant :- Pawan Kumar (In Fir) Pawan Kumar Chaube And Others

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

Counsel for Applicant :- Vivekanand Pandey

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 quash the summoning order dated 17.7.2023 passed by the Judicial Magistrate IInd District Gonda as well as charge sheet No.01 dated 31.5.2023, State Vs. Tripurari Chaube and others) arises out of FIR No.0121 of 2023 under Sections 308, 452 323, 504 506, 325, 34, 307, 324 I.P.c. Police Station Katra Bazar, District Gonda.

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 :- 19.10.2023

Ram Murti