

Court No. - 28

Case :- APPLICATION U/S 482 No. - 10468 of 2023

Applicant :- Shiv Shankar Tiwari And 6 Others

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

Counsel for Applicant :- Jay Prakash Singh Vats, Ajay Kumar Soni

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 as well as perused the record.

The instant application under Section 482 Cr.P.C has been filed for quashing the impugned charge sheet no.01 of 2022 dated 4.1.2022 filed in Case Crime No. 192 of 2021 under Sections 147, 148, 452, 325, 323, 504, 506, 427 I.P.C. registered at Police Station Fatanpur, District Pratapgarh along with summoning order dated 3.7.2023 passed by Civil Judge, (J.D.) FTC-I, Pratapgarh in State Vs. Shivshankar Tiwari & others, by which Civil Judge, (J.D.) FTC-I, Pratapgarh, summons the petitioners including the further proceeding thereof initiated against the applicants.

Learned counsel for the applicants submits that the applicants are innocent and they have been falsely implicated in the present case with false and frivolous allegations. The applicants have not committed alleged offence.

On the other hand, learned AGA has submitted that prima facie, the offence is made out against the applicants. It is further submitted that these are disputed questions of fact, which can be adjudicated only after adducing the evidence. He further controverts the submissions of learned counsel for the applicants on the ground that this is not a stage where minute and meticulous exercise with regard to the appreciation of evidence may be done and truthfulness of the allegations could only be tested in a criminal trial and, therefore, the application is misconceived and liable to be dismissed.

At this stage, learned counsel for the applicants submits that they do not want to press the application and seek liberty to file bail application before the learned trial court which may be

decided in view of law laid by Hon'ble Supreme Court in the case of **Satender Kumar Antil Vs. Central Bureau of Investigation and another, (2022) 10 SCC 51.**

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

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 versus Central Bureau of Investigation and another (**supra**).

The application is **disposed off** accordingly.

Order Date :- 19.10.2023

Ram Murti