

Court No. - 21

Case :- APPLICATION U/S 482 No. - 10500 of 2023

Applicant :- Abul Kalam

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

Counsel for Applicant :- Rajiv Raman Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Neeraj Tiwari,J.

1. Heard learned counsel for the applicant and Dr. Sushil Kumar Pandey, learned A.G.A. for the State.

2. The present 482 Cr.P.C. application has been filed to quash the entire proceedings of Criminal Case No. 14027 of 2022(State Vs. Abdul Kalam), arising out of Case Crime No. 520 of 2019, under Sections- 498A, 323 I.P.C. and Section 3/4 Muslim Women(Protection of Rights on Marriage) Act, 2019, Police Station- Biswan, District- Sitapur.

3. Learned counsel for the applicant submitted that opposite party No. 2 is divorced from applicant. He next submitted opposite party No. 2 had lodged FIR dated 26.07.2015, being Case Crime No. 0198 of 2015, under Sections 498A, 376, 511, 506 IPC and Section 3/4 of Dowry Prohibition Act, 1961 and ultimately, final report was submitted in pursuance of the said FIR. He next submitted that apart from many other criminal proceedings, opposite party No. 2 had also filed complaint case against the applicant and his family members before A.C.J.M. Court No. 1, Sitapur, which was registered as Complaint Case No. 3564 of 2016 and summoning order was also issued on 28.02.2017 under Section 498A IPC. He next submitted that the said complaint case is still pending for adjudication. He next submitted that now opposite party No. 2 has filed another FIR dated 28.11.2019 being Case Crime No. 520 of 2019, in which summoning order has been issued on 11.02.2022 under Sections- 498A, 323 I.P.C. and Section 3/4 Muslim Women(Protection of Rights on Marriage) Act, 2019.

4. After some argument, he submitted that applicant may be permitted to move application under Section 210 Cr.P.C. in the Complaint Case No. 3564 of 2016 before Additional Chief Judicial Magistrate Ist, Sitapur for trying both the cases together, i.e. Complaint Case No. 3564 of 2016 and Criminal Case No. 14027 of 2022(State Vs. Abdul Kalam).

5. learned A.G.A. has not objected the submission made by learned counsel for the applicant.

6. Accordingly, application is **disposed of** with liberty to applicant to move application under Section 210 Cr.P.C. before Additional Chief Judicial Magistrate Ist, Sitapur. In case any such application is filed, concerned court is directed to decide the same strictly in accordance with law, maximum within four weeks from the date of production of certified copy of this order.

Order Date :- 28.10.2023

ADY