

Court No. - 11

Case :- APPLICATION U/S 482 No. - 9574 of 2022

Applicant :- Dipanshu Tiwari And Others

Opposite Party :- State Of U.P. Thru. Secy. Home, Civil Sectt. And Another

Counsel for Applicant :- Rohit Kumar Tripathi

Counsel for Opposite Party :- G.A.,Rajeev Kumar Mishra
Rudra

Hon'ble Saurabh Lavania,J.

Heard learned counsel for the petitioner/ applicants and learned AGA for the State as well as perused the record.

The present petition under Section 482 Cr.P.C has been filed by the applicants for the following main relief:-

"Wherefore, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to quash the charge-sheet No.01/2020 dated-09.02.2020, arising out of case crime no.0002/2020, under section- 498 A, 323, 504, I.P.C. and 3/4 D.P. Act, Police Station - Mankapur, District-Gonda as well as impugned Summoning Order dated 11.09.2020, issued by the learned Civil Judge (J.D.)/ F.T.C. first, Gonda in Criminal Case "State Vs. Dipanshu Tiwari & Others" contained in Annexure no. 1&2 to this petition."

It is stated that this Court vide order dated 13.02.2023 referred this matter before Mediation and Conciliation Center of this Court for exploring the possibility of mediation, however, the mediation is failed, as appears from the report dated 25.04.2023 of Mediation and Conciliation Center of this Court.

Learned counsel for the applicants has submitted that liberty may be given to the applicants for moving a discharge application before the court below and the same may be decided expeditiously.

It is further prayed that liberty may also be given to the applicants to file bail application before the trial court which may be decided in view of law laid down by Hon'ble Supreme Court in order dated 7.10.2021 passed in Petition for **Special Leave to Appeal (Cri) No.5191 of 2021 Satender Kumar Antil versus Central Bureau of Investigation and another.**

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

As prayed, liberty is granted to the applicants to move discharge application before the court below and the same shall be decided expeditiously in accordance with law.

As far as prayer made by learned counsel for the applicants to grant liberty to the applicants to file bail application and the same may be decided in view of law laid down in the case of **Satender Kumar Antil versus Central Bureau of Investigation and another (supra)**, liberty is given to the applicants to move bail application before the trial court and the same shall be decided in view of law laid down in the case of **Satender Kumar Antil versus Central Bureau of Investigation and another (supra)**.

With the aforesaid observations, the present petition is **disposed of**.

Order Date :- 30.11.2023

Vinay/-