

Court No. - 13

Case :- APPLICATION U/S 482 No. - 10866 of 2023

Applicant :- Ajay Prakash Tripathi And 2 Others

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

Counsel for Applicant :- Rajesh Kumar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Karunesh Singh Pawar,J.

Heard learned counsel for the applicants and learned A.G.A. for the respondent State.

The petitioner, through this application, has prayed for the following main relief:-

"WHEREFORE, it is most respectfully prayed that this Hon'ble court may graciously be pleased to set aside the impugned order dated 17.10.2023 issued by the Additional Chief Judicial Magistrate Court No. 19 Sultanpur in Criminal Case No. 749/2021(State versus Ajay Prakash Tripathi) Crime No. 208/2019, U/S 147,148,3238 504 IPC, P.S. Dostpur, District Sultanpur. Contained as ANNEXURE NO.1 to this petition.

It is further prayed that this Hon'ble court may kindly be pleased to set aside the entire proceedings of Criminal Case No. 749/2021(State versus Ajay Prakash Tripathi) Crime No. 208/2019, U/S 147,148,3238 504 IPC, PS. Dostpur, District Sultanpur, pending in the court of Additional Chief Judicial Magistrate Court no. 19 Sultanpur."

Learned counsel for the applicants submits that the applicants have lodged F.I.R. against opposite party no.2 on 1.7.2019 under Sections 452, 323, 504 and 506 I.P.C., Police Station Dostpur, District Sultanpur and injury was sustained by the applicants' side, however, an F.I.R. of complainant has been registered on 10.7.2019 under Section 147,148,323,504 I.P.C. regarding the incident which took place on 30.6.2019 in which no one has suffered any injury.

Learned A.G.A. for the respondent State has submitted that the

summoning order has been issued on 27.3.2020. The applicants are absconding. They are intentionally delaying the proceedings of court and therefore proceedings under Section 82 Cr.P.C. have been issued vide order dated 17.10.2023.

Perused the record.

Perusal of the order-sheet, particularly order dated 17.10.2023 shows that the accused persons are intentionally avoiding the proceedings of the court.

This court does not find any ground to entertain the application. It is not a rare or rarest case where indulgence can be shown. The application lacks merit and is accordingly dismissed.

Order Date :- 6.11.2023

Madhu