

Court No. - 13

Case :- APPLICATION U/S 482 No. - 10869 of 2023

Applicant :- Constable Avneesh Maurya

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

Counsel for Applicant :- Adarsh Shukla,Rajiv Raman Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Karunesh Singh Pawar,J.

Heard learned counsel for the applicant and learned A.G.A. for the State.

The present application has been filed for quashing of the impugned charge-sheet no.2 dated 19.12.2022 pending in the court of Additional Chief Judicial Magistrate, Kheri in Criminal Case No.4589 of 2022 arising out from Case Crime No. 261 of 2022, under Sections 392, 386, 504, 509, 166, 120-B I.P.C. and 67, 67A Information Technology Act and 3/6 Prohibition of Indecent Representation of Women Act, Police Station Singahi, District Kheri as well as impugned summoning order dated 21.12.2022 passed by A.C.J.M. Kheri.

The contention of the counsel for the applicant is that no offence against the applicant is disclosed and the present prosecution has been instituted with a malafide intention for the purposes of harassment. He pointed out certain documents and statements in support of his contention.

The disputed defence of the accused cannot be considered at this stage. Moreover, the applicant has got a right of discharge under Section 239 or 227/228 Cr.P.C. as the case may be through a proper application for the said purpose and he is free to take all the submissions in the said discharge application before the Trial Court.

After hearing learned counsel for the parties and after perusing

the averments made in the present petition, the prayer for quashing the proceedings of the aforementioned case is refused.

At this stage, learned counsel for the applicant submits that he may be permitted to move an application for discharge and the same may be decided by the trial court in a time bound manner.

Hence, it is provided that in case, the applicant moves an appropriate application for discharge before the concerned Court below within a period of fifteen days from the date of receipt of certified copy of this order, the same shall be considered and disposed of as expeditiously as possible in accordance with law, by the concerned Court below preferably within a period of two months, thereafter.

With the aforesaid directions, this petition is finally disposed of.

Order Date :- 6.11.2023

Madhu