

Court No. - 12

Case :- APPLICATION U/S 482 No. - 11071 of 2023

Applicant :- Abhinav Srivastava

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

Counsel for Applicant :- Vishnu Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the material available on record.

2. This application under Section 482 Cr.P.C. has been filed by the applicant with following prayer:-

"to quash the charge sheet dated 07.08.2023 as well as cognizance order dated 03.10.2023 Under sections: 406, 504, 506 L.P.C. in Case Crime No. 0013/2023, P. S. Mohammadi, District- Lakhimpur Kheri filed against the petitioner, further the Hon'ble Court may kindly be pleased to set-aside the summoning order dated 03.10.2023 in case crime no. 0013/2023 dated 08.01.2023 as well as consequential orders thereof issued against the petitioner by learned Additional Chief Judicial Magistrate, Mohammadi, District- Lakhimpur Kheri. in pursuance of Charge sheet dated 07.08.2023 Under sections 406, 504, 506 IPC, P. S.- Mohammadi, District- Lakhimpur Kheri.

It is further prayed that the Hon'ble court may also be pleased to stay the entire proceedings along with summoning order and consequential order arising out of chargesheet relating to the case crime no. 0013/2023, Under sections 406, 504, 506, P. S. Mohammadi, District- Lakhimpur Kheri during the pendency of present application."

3. After arguing the matter up to some length, learned counsel for the applicant submits that he does not want to press this application on merit and he confines his prayer only to the extent that applicant may be permitted to move discharge application **through counsel** and suitable directions may be issued for expeditious disposal of the same.

4. Learned A.G.A. has no objection in grant of aforesaid prayer.

5. In view of above, it is provided that applicant is permitted to move his discharge application(s) **through counsel** within four weeks' from today and in case any such application(s) is/are being filed, same shall be heard and decided expeditiously after

hearing the parties, in accordance with law, by means of a reasoned and speaking order.

6. Till the aforesaid period of four weeks' and during pendency of discharge application, no coercive steps shall be taken against the applicant in the aforesaid case.

7. In case of failure on the part of applicant in moving the discharge application(s) within the aforesaid period, he will not be entitled to the benefit of this order.

8. With above directions, this application stands **disposed of**.

Order Date :- 8.11.2023

Vipul