

Court No. - 12

Case :- APPLICATION U/S 482 No. - 11248 of 2023

Applicant :- Smt. Nisha Gupta And 2 Others

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

Counsel for Applicant :- Anjani Kumar Dvivedi, Manish Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

1. On 16.11.2023, following order was passed:

"1. Heard learned counsel for the applicants as well as learned A.G.A. for the State.

2. The present application has been filed for quashing the impugned notice dated 13.09.2023 U/s 111 Cr.P.C. passed by learned Executive Magistrate/Additional Police Commissioner, Mahanagar, Lucknow in Case No.714 of 2023 U/s 107, 116 Cr.P.C., Police Station- Mahanagar, Lucknow, Commissionerate, Lucknow; for quashing the entire proceedings of Case No.714 of 2023.

3. Learned counsel for the applicants submits that proceeding U/s 107, 116 Cr.P.C. was initiated against the applicants by Sub Inspector, namely, Surya Bali Yadav, Police Outpost- New Haiderabad, Police Station- Mahanagar, Lucknow. He further submits that Assistant Commissioner of Police/Executive Magistrate, Mahanagar, Lucknow issued notice on 13.09.2023 with the direction to applicants to appear before him and explain that why personal bond as well as two sureties of sum of Rs.50,000/- may not be asked from them; in this regard, applicants went to the court of Assistant Commissioner/Executive Magistrate, Mahanagar, Lucknow but they were being insisted for submission of personal bond as well as two sureties before taking their objection on the said notice.

4. List this case tomorrow i.e. on 17.11.2023 at 2:30 p.m.

5. In the meantime, learned A.G.A. will seek instructions from Assistant Commissioner of Police/Executive Magistrate, Mahanagar, Lucknow about the fact that why the objections of applicants were not accepted. "

2. Mr. Bhanu Pratap Singh, learned A.G.A. informed that he received telephonic instructions that one personal bond and one surety has been asked from the applicant before filing of the objection.

3. As it is highly deprecable that Assistant Commissioner of Police/Executive Magistrate, Mahanagar, Lucknow is insisting the applicant to deposit a personal bond and one surety without taking or deciding his objection. Accordingly, the application is

disposed of with a direction to the Assistant Commissioner of Police/Executive Magistrate, Mahanagar, Lucknow to accept the objection of applicant without taking any personal bond or surety and decide the same on merit by way of a reasoned and speaking order within a period of three weeks' from the date of production of certified copy of this order.

Order Date :- 17.11.2023

V. Sinha