

Court No. - 28

Case :- APPLICATION U/S 482 No. - 11553 of 2023

Applicant :- Balram Yadav

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

Counsel for Applicant :- Nagendra Pratap Singh

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Jyotsna Sharma,J.

01. Heard Shri Amal Kumar Srivastava, Advocate holding brief of Shri Nagendra Pratap Singh, learned counsel for the applicant, learned A.G.A. for the State and perused the record.

02. This application under Section 482 Cr.P.C. has been filed by the applicant with the following main prayers:-

"i. Set aside the entire criminal proceeding of Criminal Case No.7004468 of 2018 "State Versus Balram Yadav and others" pending in the court of learned Judicial Magistrate, Gonda arising out of Case Crime No. 213 of 2018, under sections-341, 504 & 506 I.P.C. Police Station-Nawabganj, District-Gonda alongwith summoning order dated 27.10.2018 and chargesheet dated 01.07.2018 , so far as it relates to petitioner as contained in Annexure No. 1 & 2 to this petition.

ii. Stay further proceedings of Criminal Case No.7004468 of 2018 "State Versus Balram Yadav and others" pending in the court of learned Judicial Magistrate, Gonda."

03. The contention of the applicant is that his son got married to the daughter of opposite party no.2 on 19.04.2016. They fell apart and thereafter a number of litigations have begun. An F.I.R. in Case Crime No. 600 of 2018, under Sections 498-A, 323, 504, 506 I.P.C. was lodged against a number of persons including the present applicant, who happens to be the father-in-law of the daughter of opposite party no.2. An application under Section 156(3) of the Cr.P.C. was also lodged from the opposite side, which was treated as a complaint and that matter is pending. An application under Section 125 of the Cr.P.C. was also filed. Another litigation regarding divorce proceeding is also pending. The contention of the applicant is that the present F.I.R. as Case Crime No.213 of 2018 under Sections 341, 504, 506 I.P.C. has been lodged with malafide intention just to exert pressure on him.

04. Learned counsel for the applicant at the Bar prayed that a direction may be issued to the concerned Court below to consider and decide the bail application/surrender application of the applicant expeditiously.

05. Learned A.G.A. for the State of U.P. submits that in case the applicant is not pressing for the reliefs as initially sought for by him on merit and wants to surrender before the concerned court below, he has no objection.

06. In view of facts and circumstances of the case and no objection of learned A.G.A., it is directed that in case the applicant surrenders before the court concerned within 15 days from today and moves a suitable bail application, the same shall be considered and decided by the court below in accordance with law and keeping in view the guidelines as laid down by the Apex Court in the case of **Satender Kumar Antil vs. Central Bureau of Investigation and another**, reported in (2021) 10 SCC 773.

07. With the above directions, this application under Section 482 Cr.P.C. is **disposed of**.

Order Date :- 28.11.2023

Arnima