

Court No. - 76

Case :- APPLICATION U/S 528 BNSS No. - 39518 of 2024

Applicant :- Raju

Opposite Party :- State Of U.P. And 3 Others

**Counsel for Applicant :- Ankit Kumar, Rakesh Kumar
Tiwari, Shrawan Kumar Pandey**

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Pathak, J.

1. Learned A.G.A. has filed compliance affidavit today in Court, which is taken on record. Office is directed to proceed accordingly.
2. As per compliance affidavit, notice is personally served upon Opposite Party No. 2. Despite service of notice, no one has put in appearance on her behalf.
3. Heard learned counsel for the applicant as well as learned A.G.A. representing State-opposite party No. 1 and perused the record on Board.
4. The applicant has invoked the inherent jurisdiction of this Court under Section 482 Cr.P.C. for quashing the summoning order dated 9.7.2024 passed by the learned Additional Sessions Judge/Special Judge (POCSO) Act, Fatehpur in Complaint Case No. 187 of 2022 (Puja Devi Vs. Raju), under Section 376 IPC & Section 3/4 Protection of Children from Sexual Offences Act and Section 3(2) (v) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Police Station Sultanpur Ghosh, District Fatehpur.
5. After due deliberation at length, learned counsel for the applicant has submitted that he is not pursuing the instant application on merits. He has further submitted that the present applicant is willing and ready to co-operate with the courts below and participate in the court proceedings provided some interim protection may be granted to him. It is next submitted that the present applicant has never intended to ignore the court proceedings.
6. Learned AGA has no objection if protection is granted to the present applicant to enable him to appear before the court below.

7. In this conspectus, as above, no useful purpose would be served to keep this matter pending, therefore, this Court deems it appropriate to finally dispose of the present application, without making any observation on the merits of the case as mentioned in the present application, with a direction that the present applicant, in case, appears/surrenders and moves a bail application before the court below within a period of three weeks from today along with a certified copy of this order, the same shall be considered and decided by the court concerned in accordance with law expeditiously, preferably, within a period of three weeks thereafter.

8. For a period of six weeks or till the decision on the bail application, whichever is earlier, no coercive action shall be taken against the present applicant.

9. It is made clear that, in the event, counsel for the parties are abstaining from work, learned court concerned shall decide the bail application after hearing the parties concerned.

10. As such, instant application is finally **disposed of**.

Order Date :- 20.12.2024

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