

Court No. - 12

Case :- APPLICATION U/S 528 BNSS No. - 124 of 2024

Applicant :- Ram Nath And 3 Others

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko. And 3 Others

Counsel for Applicant :- Pankaj Gupta, Ghanshyam Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania, J.

1. Heard Shri Pankaj Gupta, learned counsel for the applicants and learned A.G.A. for the State.

2. The present petition under Section 528 Bharatiya Nagrik Suraksha Sanhita, 2023 (in short "BNSS") has been filed for the following main relief(s):-

"Wherefore it is most respectfully prayed that this Hon'ble Court may graciously be pleased to quash the order dated 30.10.2024 passed by opposite party no.2 passed under section 164 of B.N.S.S. in case number 11311/2024 (Computerized case no.T202402570111311) (Ajay Tiwari & Ors. Vs. Ram Nath & Ors.) as well as quashing of the proceedings of case no.11311/2024 (Computerized case No.T2002402570111311) (Ajay Tiwari & Ors. Vs. Ram Nath & Ors.) pending before opposite party no.2, contained as Annexure No.1 to the petition."

3. Considering the facts including the order dated 03.12.2024, whereby the application seeking permission to implead Kamla Devi in the proceedings pending before the Magistrate as Case No.11311 of 2024, under Section 164 Cr.P.C., akin to Section 145 Cr.P.C. (now repealed), has been allowed and also the contents of notice dated 30.10.2024, under challenge, and the fact that petitioner no.1-Ram Nath is opposite party in the pending proceeding before the Magistrate, the present petition is **disposed of** finally with liberty to the applicants to appear before the Magistrate and file their objections along with evidence.

4. In case the petitioners appear before the Magistrate and file their objections along with evidence within a week, the Magistrate shall consider the reply/objections as also the evidence of the petitioners and pass the reasoned and speaking order strictly in accordance with law.

Order Date :- 18.12.2024

Anand/-