

**Court No. - 55**

**Case :-** APPLICATION U/S 482 No. - 17413 of 2009

**Applicant :-** Ramu Pal & Others

**Opposite Party :-** State Of U.P. & Another

**Counsel for Applicant :-** P.K. Singh

**Counsel for Opposite Party :-** Govt. Advocate, Y.S. Sachan

**Hon'ble Shashi Kant, J.**

Heard Sri P.K. Singh, learned counsel for applicants, Sri Saqib Meezan, learned A.G.A. appearing for the State of U.P. and perused the record.

This application U/S 482 Cr.P.C. has been filed for quashing the entire proceedings of Complaint Case No. 1769 of 2007 - Smt. Rekha Vs. Ramu Pal and Others, under Sections 498-A, 323, 504, 506 I.P.C. and Section 3/4 of Dowry Prohibition Act, Police Station - Bhognipur, District - Kanpur Dehat, pending in the court of Civil Judge (J.D.)/ Magistrate, Bhognipur, Kanpur Dehat.

Learned counsel for applicants submits that applicant no. 1 Ramu Pal is husband, applicant nos. 2 is father-in-law, applicant no. 3 is mother-in-law, applicant nos. 4 and 5 are brothers-in-law and applicant no. 6 is married sister-in-law of opposite party no. 2. The dispute between the parties is of matrimonial nature between husband and wife but entire family of applicant no. 1 has been roped in.

After arguing the matter up to some length, learned counsel for the applicants submits that he does not want to press this application on merit and confines his prayer only to the extent that applicants may be permitted to move discharge application, through their counsel and same may be heard and decided expeditiously, in accordance to law.

In view of above, applicant nos. 2, 3, 4, 5 and 6 are permitted to move discharge application(s) alongwith certified copy of this order, before the Court below, through their counsel, and in case any such application(s) are moved same shall be heard and decided expeditiously, if possible within sixty days from the date of such application(s) moved by applicant nos. 2, 3, 4, 5 and 6.

Till disposal of discharge application of above mentioned applicants, no coercive measures shall be taken against them in the aforesaid case.

In case, above mentioned applicants fail to move discharge application within a reasonable period, learned Court below shall be at liberty to proceed with the case in accordance with law.

So far as applicant no. 1 is concerned who is husband of opposite party no. 2, prayer for moving discharge application through counsel cannot be granted in respect of him. Therefore, prayer made to the above effect in respect to applicant no. 2 is rejected.

However it is provided that if the applicant no. 1, Ramu Pal, who is husband of opposite party no.2, surrenders before the courts below and applies for bail, his prayer for bail shall be considered and decided by the courts below in view of the settled law laid down by the Full Bench of this Court in the case of *Amrawati & Another Vs. State of U.P. reported in 2004 (57) ALR 290*, as affirmed by Hon'ble Apex Court in the case of *Lal Kamendra Pratap Singh Vs. State of U.P. reported in 2009 (3) ADJ 322 (SC)*.

Applicant no. 1 will also be entitled to move discharge application at appropriate stage and in case any such application is moved, same shall be heard and decided expeditiously, in accordance with law by means of reasoned and speaking order.

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

**Order Date :- 29.8.2017**

A. Verma/Israr