

**Court No. - 27**

**Case :-** APPLICATION U/S 482 No. - 5664 of 2023

**Applicant :-** Aman @ Aman Kumar

**Opposite Party :-** State Of U.P. Thru. Secy. Home And Another

**Counsel for Applicant :-** Ghanshyam Yadav, Krishna Gopal Yadav

**Counsel for Opposite Party :-** G.A.

**Hon'ble Brij Raj Singh, J.**

1. Heard Sri Krishna Gopal Yadav, learned counsel for the applicant and Shri Akhilesh Kumar Vyas, and learned A.G.A. for the State.
2. The present 482 Cr.P.C. application has been filed with a prayer to quash the entire proceeding of the Case No. 96520 of 2022 under Sections 323, 341, 354, 504, 506 IPC pending in the Court of Additional Chief Judicial Magistrate IV Lucknow arising out of Crime no. 0187 of 2019 P.S. Nagam, District Lucknow as well as summoning order dated 12.10.2022 and charge sheet contained in Annexure no. 3 to the accompanying affidavit, with a further prayer to stay the proceedings in respect of the aforesaid criminal complaint and the summoning order.
3. After arguing at some length, counsel for the applicant submits that he does not want to press this petition, however, he submitted that the offence is triable by Magistrate and is of minor nature, therefore, the applicant may be allowed to move a discharge application before the Magistrate through counsel .
4. Without entering into the merits of the case, I hereby grant liberty to the applicant, to move discharge application through counsel before the Magistrate concerned, within a period of two weeks from today. The Magistrate concerned will pass final orders on this application within a period of one and half months thereafter.
5. For a period of two months or till the date, the discharge application is decided, whichever is earlier, **no coercive action shall be taken against the applicant** in respect of the aforesaid complaint and summoning order.
6. The Magistrate concerned will ensure to decide the discharge application within one and half months.
7. Application stands **disposed of**.
8. It is made clear, in case the applicant fails to move the

discharge application within the time stipulated by this Court or does not cooperate in the proceedings on the date fixed, the benefit granted by this Court will stand cancelled without reference to the Court.

**Order Date :-** 31.5.2023

Pks