

**Court No. - 13**

**Case :- APPLICATION U/S 482 No. - 8781 of 2024**

**Applicant :- Dinesh Kumar And Others**

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

**Counsel for Applicant :- Ankur Srivastav**

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

**Hon'ble Saurabh Lavania,J.**

Heard learned counsel for the applicants, learned AGA for the State of U.P. and perused the record.

The present application has been filed by the applicants to quash/set-aside the entire proceedings of Criminal Case No. 4143/2023 (State vs. Dinesh Kumar and others) arising out of impugned charge sheet No. 459/2022 dated 28.12.2022 filed by Investigating Officer concerned in Case Crime No. 0374/2022, under Sections- 498-A, 452, 323, 506 IPC and Section 3/4 D.P. Act, Police Station- Safipur, District- Unnao as well as cognizance/summoning order dated 18.09.2023 passed by Civil Judge (Junior Division)/F.T.C., Unnao and further to stay the entire proceedings initiated in pursuance of said criminal case.

As per the case of prosecution, the marriage between opposite party No. 2/Sumsum and applicant No. 1/Dinesh Kumar was solemnized on 29.05.2021 and thereafter, on account of matrimonial dispute/discord, the FIR in issue has been lodged by the opposite party No. 2 implicating entire family members of the applicant No. 1.

Considering the aforesaid, this Court is not inclined to grant any relief to applicant No. 1. Accordingly, in relation to applicant No. 1, the present application is hereby **dismissed**.

So far as the applicant Nos. 2 to 5 are concerned, prima facie, this Court finds that their case is covered by the judgment(s)/pronouncement(s) of the Hon'ble Apex Court rendered in the case of ***Geeta Mehrotra and others vs. State of U.P. and others*** reported in (2012) 10 SCC 741, ***Kahkashan Kausar v. State of Bihar*** reported in (2022) 6 SCC 599 and ***Achin Gupta vs. State of Haryana and another*** reported in 2024 SCC OnLine SC 759, as such, this Court is of the view that the matter requires consideration so far as the applicant Nos. 2 to 5 are concerned.

Accordingly, issue notice to the opposite party No. 2. Steps in

this regard be taken within seven working days.

List/put up this application after service alongwith report in this regard.

Till the next date of listing, the proceedings, in issue, shall remain stayed so far as the applicant Nos. 2 to 5 are concerned. The trial court/authority concerned shall proceed against the applicant No. 1 as per the manner prescribed under the law.

In case, the steps are not taken within the time specified for this purpose, then the benefit of interim protection would not be available to the applicant Nos. 2 to 5.

**Order Date :- 30.9.2024**

Arun/-