Court No. - 79

Case :- MATTERS UNDER ARTICLE 227 No. - 8083 of 2024

Petitioner :- Akhlesh Rajpoot And 2 Others
Respondent :- State of U.P. and Another
Counsel for Petitioner :- Vinod Kumar Pandey
Counsel for Respondent :- G.A.

Hon'ble Saurabh Srivastava,J.

1. Heard learned counsel for the parties.

2. The instant petition has been preferred with following prayers:-

"I. Issue an order or direction to set aside the impugned order dated 17.05.2024 passed by Session Judge, Kasganj in criminal revision no. 22/2024, CNR no.-UPKR01/002087/2024 (Akhlesh Rajpoot and 2 others) vs. State of U.P. and another) and impugned summoning order dated 14.02.2024 passed by Civil Judge, S.D., F.T.C/A.C.J.M., Kasganj, under section 498A, 323, 504, 506 IPC and section 3/4, Dowry Prohibition Act, Police Station Dholna, District Kasganj in Complaint Case no. 343/2023, CNR No. UPKR040357722023 (Usha vs. Akhlesh and others)."

3. Learned counsel for the petitioners pressed all the grounds whatsoever has been taken through the instant petition through which, it has been apprised that there is hardly any attraction of sections in which the petitioners have been summoned and all these grounds have not been taken into consideration while passing the order dated 14.02.2024. Being aggrieved with order dated 14.02.2024, petitioner preferred revision which was also rejected vide order dated 17.05.2024 which has been challenged through the instant petition.

4. Learned AGA for the State vehemently opposed the prayer sought through the instant petition.

5. On perusal of the impugned orders, this Court does not find it to be a case where interference of this Court is required. No such ground appears to be available in the present petition, on the basis of which, impugned orders can be set aside.

6. Accordingly, the prayer for quashing the impugned orders, is refused.

7. Lastly, learned counsel for petitioners submitted that liberty may be granted to petitioner no. 1 to surrender before the court concerned and apply for bail and liberty may also be granted to petitioner nos. 2 and 3 to appear before the court concerned through their counsel to which learned AGA has no objection.

8. In view of the aforesaid, the instant petition is finally ***disposed of*** with a direction to the court concerned that in case, the petitioner no. 1 surrender before the court concerned within a period of 30 days from today and apply for bail, his bail application shall be considered and decided expeditiously in accordance with law laid down in the case of ***Satender Kumar Antil Vs. Central Bureau of Investigation and another (2022 SCC OnLine SC 825)***. Insofar as petitioner nos. 2 and 3 are concerned, they are hereby permitted to appear before the court concerned through their counsel and learned court of Civil Judge, S.D., F.T.C/A.C.J.M, Kasganj/concerned court is hereby directed to expedite and finalize the proceedings of Complaint Case no. 343 of 2023 (Usha vs. Akhlesh and others) Police Station- Dholna, District- Kasganj, as expeditiously as possible, preferably within a period of 12 months from the date of presentation of certified copy of this order.

9. However, it is made clear that till 30 days from today, no coercive action shall be taken only against the petitioner no. 1.

10. The instant petition is hereby **disposed of** accordingly.

Order Date :- 31.1.2025
Shaswat

Digitally signed by :-
SHASWAT SINGH
High Court of Judicature at Allahabad