

Smt. Anita Verma And Another vs State Of U.P. And Another on 3 March, 2025

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:29919

Court No. - 74

Case :- APPLICATION U/S 528 BNSS No. - 5637 of 2025

Applicant :- Smt. Anita Verma And Another

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Manoj Kumar Tewari

Counsel for Opposite Party :- G.A.

Hon'ble Vikas Budhwar,J.

1. Heard Sri Manoj Kumar Tiwari, learned counsel for the applicants, Sri Sudhir Kumar, learned AGA for the State.
2. This is an application U/s 528 of BNSS preferred for quashing of the impugned order dated 25.09.2024, 15.10.2024, 04.11.2024, 04.12.2024 and 17.10.2025 passed in warrant or summons in Criminal Case No. 41/2023 passed by the court of Special Judge, SC/ST Prevention of Atrocities Act, Ballia by which the learned trial court issued non-bailable warrant without issuing proper summons against the applicants for the offence punishable under Sections 323, 504 IPC and Section 3(1)Da, Dha and 3(1)v Ka SC/ST Act.
3. Learned AGA has raised a preliminary objection regarding maintainability of the application on the ground that a criminal appeal no.9700 of 2024 (Smt. Anita verma and another vs. State of U.P.) has been preferred by the applicant in which on 01.10.2024, learned AGA was directed to seek instruction. According which the present application would not be maintainable.
4. On a pointed query be raised, as to what was the subject matter of challenging the said appeal to which learned counsel for the applicants submits that the entire proceedings as well as warrants against the other applicants herein has been subject matter of challenge.

5. Having heard learned counsel for the parties, I am of the opinion that the relief which has been sought cannot be granted to the applicants in the present proceedings in application under Section 482 of Cr.PC No. 8635 of 2023 (Abhishek Awasthi alias Bholu Awasthi vs. State of U.P. & another) decided on 26.11.2024 wherein the entire proceedings has not been challenged and further appeal is already pending in which appropriate application can be preferred.

6. With the aforesaid observation, the application is consigned to records.

Order Date :- 3.3.2025/C. MANI (Vikas Budhwar,J.)