

Court No. - 42

Case :- APPLICATION U/S 482 No. - 34948 of 2018

Applicant :- Gaurav And 2 Ors

Opposite Party :- State Of U.P. And Another

Counsel for Applicant :- Rahul Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Arvind Kumar Mishra-I,J.

Heard learned counsel for the applicants, learned AGA for the State and perused the material brought on record.

It has been submitted that applicant no.3 is mother of appellant no.1 and she is suffering from cancer and is unable to walk unless supported by some attendant. The allegations made against the applicants in the first information report is absolutely vague and it is matrimonial dispute between husband and wife. Opposite party no.2 is the wife of applicant no.1. She insists that applicant no.1 should reside separately from his parents. He pointed out certain documents and statements in support of his contention.

The submission made by learned counsel for the applicants prima facie appears to have some substance. The matter requires consideration after receiving response from opposite parties.

Learned AGA has accepted notice on behalf of opposite party no.1. He prays for and is granted four weeks' time to file counter affidavit.

Issue notice to opposite party no.2 who may file counter affidavit within the same period.

Rejoinder affidavit, if any, may be filed within two weeks thereafter.

List on expiry of the aforesaid period.

Till the next date of listing, further proceedings in Criminal Case No.17503 of 2018 State Vs. Gaurav Gupta and others, under Sections 498A, 323, 504, 506 IPC and 3/4 Dowry Prohibition Act, Police Station Mahila Thana, District Ghaziabad, pending before Additional Chief Judicial Magistrate, Court No.VIII, Ghaziabad shall remain stayed.

Order Date :- 28.9.2018

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