

Court No. - 76

Case :- APPLICATION U/S 482 No. - 38210 of 2024

Applicant :- Waseem Ahmad And 4 Others

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

Counsel for Applicant :- Akash Yadav, Rajeev Kumar Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Pathak, J.

1. Heard learned counsel for the parties.
2. Learned AGA has filed a compliance affidavit and Sri Ramesh Kumar and Sri Surendra Kumar, learned Advocates, have filed a memo of appearance on behalf of opposite party no.2, today in court, which are taken on record. Office is directed to proceed accordingly and print their names as counsel for the opposite party no.2 whenever the matter is listed next.
3. The applicants have invoked the inherent jurisdiction of this Court under Section 482 Cr.P.C. to quash the entire proceedings as well as order dated 20.01.2023 passed by the Special Judge (S.C./S.T. Act), Allahabad in Session Trial No. 897 of 2011 (State versus Wasim Ahmad and others), arising out of Case Crime No. 432 of 1996, under Sections- 147, 148, 149, 323, 504, 506, I.P.C. and Section -3(1) (X) S.C./S.T., Act, Police Station- Cantt, District- Allahabad.
4. It is submitted that the learned court concerned has illegally rejected the application for withdrawal filed on behalf of the public prosecutor under Section 321 Cr.P.C. It is further submitted that in similar circumstances, the coordinate Bench of this court, after hearing both parties, had relegated the matter before the court concerned to decide the application under Section 321 Cr.P.C. afresh. In support of his submission, learned counsel for the applicants has relied upon a batch of cases, leading case being **Application under Section 482 No.2718 of 2023 (Akshay Pratap Singh @ Gopalji and others Vs. State of U.P. and another) decided on 1.3.2024.**
5. The matter requires consideration.
6. Opposite party no.1 is represented through learned A.G.A. for the State. Opposite party no.2 is also being represented through his counsel, who have prayed for and granted three weeks time to file counter affidavit. Thereafter applicants will be having one week to

file rejoinder affidavit, if any. Stay application will be considered after exchange of affidavits between the parties.

7. List this matter on **20.1.2025 as fresh.**

8. It is made clear that pendency of present application will not impede further proceeding going on before the court concerned.

Order Date :- 18.12.2024/vkg