

Naresh Kumar Agarwal And Another vs State Of U.P. Thru. Prin. Secy. Home Lko. ... on 4 February, 2025

Author: Saurabh Lavania

Bench: Saurabh Lavania

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2025:AHC-LK0:7146

Court No. - 12

Case :- APPLICATION U/S 482 No. - 943 of 2025

Applicant :- Naresh Kumar Agarwal And Another

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko. And 3 Others

Counsel for Applicant :- Akshay Kumar Singh, Palak Jawa

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania, J.

Vakalatnama filed on behalf of opposite party No.2 by Shri Arun Singh and Shri Amit Agarwal, Advocates is taken on record.

Heard learned counsel for the applicants, learned AGA for the State of U.P. as well as learned counsel for opposite party No.2 and perused the record.

The present application under Section 482 Cr.P.C. has been filed with the following main relief (s):-

"i. An order or direction to quash the impugned quashing of impugned chargesheet dated 13.06.2012 filed in Criminal Case No. 7595 of 2012 (State v. Naresh Agarwal and Anr.) before Ld. Chief Judicial Magistrate, Lucknow, arising out of Case Crime No. 87 of 2012, lodged by Opposite Party No.4, in under Section 323, 406, 504, 506

of Indian Penal Code, 1860 lodged at P.S.: Hazratganj, District-Lucknow on 09.03.2012, as well as cognizance order dated 27.09.2012 in Case No.7595 of 2012, along with the entire subsequent proceedings contained in Annexure No. 1 (Colly.) with this petition."

It appears that after considering the averments made in the Application U/S 482 Cr.P.C. No.11729 of 2024 and the documents in support thereof as also the submissions made by the learned counsel for the applicants, this Court vide order dated 19.12.2024 referred the matter to the concerned court for the purpose of verification of the compromise entered into between the parties.

It appears from the order dated 21.12.2024 (Annexure No.5) that the trial court has verified the compromise, mentioning therein that the parties were present and they have admitted that they have entered into an agreement voluntarily and their signatures have been verified by their respective counsels before the court.

Considering the aforesaid as also the submissions made by learned Counsel for the parties as also the observations made by Apex Court in the case of State of Karnataka Vs. L. Muniswamy and Others, 1977 (2) SCC 699; State of Haryana Vs. Bhajan Lal and Others, 1992 Supp (1) SCC 335; Prashant Bharti Vs. State (NCT of Delhi), (2013) 9 SCC 293; Rajiv Thapar and Ors. Vs. Madan Lal Kapoor, (2013) 3 SCC 330; Ahmad Ali Quraishi and Ors. Vs. State of Uttar Pradesh and Ors. (2020) 13 SCC 435, according to which inherent power under Section 482 Cr.P.C. (akin to Section 528 BNSS, 2023) could be exercised to prevent abuse of process of any Court or otherwise to secure ends of justice, as also the observations made by Apex Court in the case of Ramgopal and others Vs. State of Madhya Pradesh, (2022) 14 SCC 531, Gian Singh Vs. State of Punjab [2012 10 SCC 303], Mohd. Ibrahim Vs. State of U.P., 2022 SCC Online ALL 106, Gold Quest International Ltd. Vs. State of Tamilnadu, 2014 (15) SCC 235, B.S. Joshi Vs. State of Haryana, 2003 (4) SCC 675, Jitendra Raghuvanshi Vs. Babita Raghuvanshi, 2013(4) SCC 58, Madhavarao Jiwajirao Scindia Vs. Sambhajirao Chandrojirao Angre, 1988 1 SCC 692, Nikhil Merchant Vs. C.B.I. and another, 2008(9) SCC 677, Manoj Sharma Vs. State and others, 2008(16) SCC 1, State of M.P. Vs. Laxmi Narayan and others, 2019(5) SCC 688, Narindra Singh and others Vs. State of Punjab and another, (2014) 6 SCC 466, Manoj Kumar and others Vs. State of U.P and others (2008) 8 SCC 781, Union Carbide Corporation and others Vs. Union of India and others (1991) 4 SCC 584, Manohar Lal Sharma Vs. Principal Secretary and others (2014) 2 SCC 532 and Supreme Court Bar Association Vs. Union of India (1998) 4 SCC 409, according to which, in given facts, based upon the settlements between the parties the criminal proceedings can be quashed, as also the nature of dispute/crime, this Court is of the view that the present application is liable to be allowed as chances of ultimate conviction are extremely bleak and hence no useful purpose would be served by allowing the criminal proceedings to continue.

Accordingly, present application is allowed. Consequently, the entire proceedings arising out of Charge-sheet dated 13.06.2012, relating to Case Crime No.0087 of 2012, under Sections 323, 406, 504, 506 of Indian Penal Code, 1860, lodged at P.S. - Hazratganj, District-Lucknow, including the proceedings of Criminal Case No.7595 of 2012 (State v. Naresh Agarwal and Anr.), pending before Learned Chief Judicial Magistrate, Lucknow, quoted above, are hereby quashed qua the applicants.

Office/Registry is directed to send the copy of this order to the court concerned through email/fax for necessary compliance.

Order Date :- 4.2.2025/ML