

Mr.Gopal Sethi vs State Of U.P. Thru. Principal Secy. Home ... on 1 April, 2025

Author: Manish Kumar

Bench: Manish Kumar

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2025:AHC-LK0:18099

Court No. - 14

Case :- APPLICATION U/S 482 No. - 2668 of 2025

Applicant :- Mr.Gopal Sethi

Opposite Party :- State Of U.P. Thru. Principal Secy. Home Lko. And Another

Counsel for Applicant :- Aditya Singh,Mamta Singh

Counsel for Opposite Party :- G.A.

Hon'ble Manish Kumar,J.

1. Sri Abhimanyu Singh, Advocate has filed his vakalatnama on behalf of respondent no. 2, which is taken on record.
2. Heard learned counsel for the applicant,learned A.G.A. for the State and learned counsel for the private respondent no.2.
3. The present application has been filed under Section 482 Cr.P.C (now Section 528 B.N.S.S) with the following prayer:-

"1) Allow the present Petition of the Petitioner to Quash the entire proceedings of Criminal Case bearing Warrant Filing No. 117637/2022 and Summons Criminal Case No. 94968/2022, titled as "State of U.P. Vs. Dilnawaz & Ors.", with respect to Impugned Charge-Sheet dated 31.10.2021 under Section (s) 323, 504 & 506 of the Indian Penal Code, 1860, which is pending before the Hon'ble Court of Ld. Chief Judicial Magistrate, District - Lucknow;

2) Allow the present Petition of the Petitioner to Quash the Impugned Summoning Order dated 11.10.2022 and Impugned Charge-Sheet dated 31.10.2021 under Section (s) 323, 504 and 506 of the Indian Penal Code, 1860 arising out of F.I.R. bearing Case Crime No. 0282/2021, dated 02.08.2021, under Section (s) 147, 323, 504 and 506 of the Indian Penal Code, 1860, P.S. Sushant Golf City, District - Lucknow (annexed as Annexure No. 2 & 3 respectively to this Petition)."

4. Learned counsel for the respective parties have submitted that a compromise deed dated 17.12.2024 (Annexure No.7) entered into between the parties has been verified by the learned trial court by its order dated 10.03.2025 (Annexure No.9) in pursuance of the order of this Court dated 28.01.2025 (Annexure No.1), passed in Application U/S 482 No. 778 of 2025.

5. Learned Counsel for the respondent no. 2 has submitted that he has no grudge or grievance against the present applicant now.

6. It appears that after considering the averments made in the Application U/S 482 No. 778 of 2025 and the documents in support thereof as also the submissions made by the learned counsel for the applicant, this Court vide order dated 28.01.2025 (Annexure No.1) 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 10.03.2025 (Annexure No.9) that the trial court has verified the compromise.

6. 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, the dispute pertains to the individuals, due to which criminal proceedings were initiated. 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.

7. Accordingly, present application is allowed. Consequently, the entire proceedings, quoted above, are hereby quashed as far as it is related to the the applicant.

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

Order Date :- 1.4.2025 dk/