

Shubham Verma And Another vs State Of U.P. Thru. Addl. Chief Secy. ... on 31 January, 2025

Author: Saurabh Lavania

Bench: Saurabh Lavania

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2025:AHC-LK0:6864

Court No. - 12

Case :- APPLICATION U/S 482 No. - 928 of 2025

Applicant :- Shubham Verma And Another

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

Counsel for Applicant :- Manoj Kumar Dubey, Deena Nath Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania, J.

Heard learned counsel for the applicants, learned AGA for the State of U.P. and perused the record.

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

"i. To quash the Chargesheet dated 09.04.2021 as well as summoning order dated 04.01.2022 arising out of the Case Crime No. 0582/2020 lodged under Section 498A, 323, 506 IPC read with 3/4 Dowry Prohibition Act (State Vs Shubham Verma and others) pending in the Court of Additional Chief Judicial Magistrate, Seventh, Lucknow (contained as Annexure No.1 & 2 to this Petition), ii. To quash the criminal proceedings in Case Crime No.0582 of 2020 lodged under Section 498A, 323, 506 IPC read with 3/4 Dowry Prohibition Act (State Vs Shubham Verma and others)

pending in the Court of Additional Chief Judicial Magistrate, Seventh, Lucknow."

It appears that after considering the averments made in the Application U/S 482 Cr.P.C. No.11642 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 18.12.2024 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 23.12.2024 (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 Jiawajirao 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 Chargesheet dated 09.04.2021, relating to Case Crime No.0582/2020, under Sections 498A, 323, 506 IPC and Section 3/4 Dowry Prohibition Act (State Vs Shubham Verma and others), pending in the Court of Additional Chief Judicial Magistrate, Seventh, Lucknow (contained as Annexure No.1 & 2 to this Petition), as 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 :- 31.1.2025 ML/-