

Col. Lokesh Chander Midha vs State Of U.P. Thru. Its Prin. Secy. ... on 3 March, 2025

Author: Saurabh Lavania

Bench: Saurabh Lavania

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2025:AHC-LK0:12602

Court No. - 12

Case :- APPLICATION U/S 482 No. - 1841 of 2025

Applicant :- Col. Lokesh Chander Midha

Opposite Party :- State Of U.P. Thru. Its Prin. Secy. Deptt. Of Home Lko. And 2 Others

Counsel for Applicant :- Ratnesh Chandra,Ajit Verma

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

Vakalatnama filed on behalf of opposite party No(s).2 and 3 by Shri Sanjay Kumar Srivastava, Advocate, is taken on record.

Heard learned counsel for the applicant(s), learned AGA for the State of U.P. as well as learned counsel for the opposite party No(s).2 and 3 and perused the record.

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

"(i). to quash the chargesheet of Case No.15797/2019 arising out of Case Crime No. 1049/2018 (State Vs Lokesh Middha) pending in the Court of Special Chief Judicial Magistrate, Customs, Lucknow under Section-323/504/506 of the India Penal Code, 1860.

ii. to quash the proceedings of Case No. 15797/2019 arising out of Case Crime No. 1049/2018 (State Vs Lokesh Middha) pending in the Court of Special Chief Judicial Magistrate, Customs, Lucknow under Section-323/504/506 of the India Penal Code, 1860 in terms of the compromise dated 16/12/2024 verified by the Special Chief Judicial Magistrate Custom, Lucknow on 08/01/2025 between the parties.

iii. direct the learned court below not to take any coercive measures against the applicant in pursuance to the above pending proceedings."

It appears that after considering the averments made in the Application U/S 482 Cr.P.C. No.11833 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 20.12.2024 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 08.01.2025 (Annexure No.12) 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 of Case No.15797/2019, arising out of Case Crime No.1049/2018 (State Vs Lokesh Middha), pending in the Court of Special Chief Judicial Magistrate, Customs, Lucknow under Section-323/504/506 of the Indian Penal Code, 1860, quoted above, are hereby quashed qua the applicant(s).

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

Order Date :- 3.3.2025 ML/-