

Vijay Kumar @ Vijay Anand Guru vs State Of U.P. Thru. Addl. Prin. Secy. ... on 28 March, 2025

Author: Manish Kumar

Bench: Manish Kumar

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2025:AHC-LK0:17833

Court No. - 14

Case :- APPLICATION U/S 482 No. - 2629 of 2025

Applicant :- Vijay Kumar @ Vijay Anand Guru

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

Counsel for Applicant :- Dinesh Kumar Ojha

Counsel for Opposite Party :- G.A.

Hon'ble Manish Kumar,J.

1. Shri Pravin Kumar Verma, Advocate has filed his vakalatnama on behalf of respondent no. 4 , which is taken on record.

2. The present case has been filed under Section 482 Cr.P.C. /528 of B.N.S.S. with a prayer to quash the entire proceeding as well as charge sheet pending in the Court of Special Judge SC/ST Act, Lucknow of the Session Trial No. 670/2024 arising out Case Crime No. 542 of 2022 U/s 323, 406, 420, 452, 504, 506 I.P.C. and 3 (2) (va) SC/ST Act State Vs. Vijay Kumar @ Vijay Anand Guru Police Station. Gomti Nagar, District Lucknow in terms of, verify compromises deed dated 15.10.2024 by means of which both the parties do not want to prosecute the criminal case against each other.

3. Learned counsel for the respective parties have submitted that a compromise dated 03.02.2025 (Annexure No. 4) entered into between the parties has been verified by the learned trial court by its order dated 28.01.2025 in pursuance of the order of this Court dated 18.12.2024, passed in Application U/S 482 No.11601 of 2024 (Annexure No. 1).

4. Learned Counsel for the respondent no. 4 has submitted that he has no grudge or grievance against the present applicants now.

5. It appears that after considering the averments made in the Application U/S 482 Cr.P.C. No. 11601 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 28.01.2025 (Annexure No. 2) that the trial court has verified the compromise.

6. Considering the aforesaid, the fact that the dispute between the parties is regarding some financial transaction, which is individual in nature and the same has been resolved, 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.

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 :- 28.3.2025 DiVYa