

Shivam Dubey And 2 Others vs State Of U.P. Thru. Prin. Secy. Home ... on 3 March, 2025

Author: Saurabh Lavania

Bench: Saurabh Lavania

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2025:AHC-LK0:12755

Court No. - 12

Case :- APPLICATION U/S 482 No. - 1896 of 2025

Applicant :- Shivam Dubey And 2 Others

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

Counsel for Applicant :- Sarvesh Kumar Saxena

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

Vakalatnama filed on behalf of opposite party No(s).2 by Shri K.B. Pandey 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 perused the record.

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

"I. Quash entire proceeding of Criminal Case No. 20885/2019; arising out of Case Crime No.-0177 of 2018 as well as charge sheet No.-1 dated 01-04-2019, arising out of Case Crime No.-0177 of 2018, Under Sections- 498 A, 323, 504, 506 I.P.C. & 3/4 D.P.

Act, relating to Police Station-Mahila Thana, District-Lucknow, Pending in the court of Learned Civil judge (J.D.)/F.T.C., Room No.-50, Lucknow (State of U.P. Vs Shivam Dubey and 2 others) contained in ANNEXURE NO.-01 to this petition.

Quash the impugned summoning order dated 14-05-2019 passed by the Learned Special Additional Chief Judicial Magistrate C.B.I. (A/P), Lucknow (State of U.P. Vs Shivam Dubey and 2 others) in Criminal Case No.-20885/2019 under sections-498 A, 323, 504, 506 I.P.C. & 3/4 D.P. Act Contained in ANNEXURE NO.-02 to this petition."

It appears that after considering the averments made in the Application U/S 482 Cr.P.C. No.10626 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 27.11.2024 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 07.12.2024 (Annexure No.7) 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 Criminal Case No. 20885/2019; arising out of Case Crime No.0177 of 2018, arising out of Case Crime No.-0177 of 2018, Under Sections- 498-A, 323, 504, 506 I.P.C. & 3/4 D.P. Act, relating to Police Station-Mahila Thana, District-Lucknow, Pending in the court of Learned Civil judge (J.D.)/F.T.C., Room No.-50, Lucknow (State of U.P. Vs Shivam Dubey and 2 others), 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 :- 3.3.2025 ML/-