

Balbir Singh And 4 Others vs State Of U.P. Thru. Its Secy. Home Deptt. ... on 31 January, 2025

Author: Saurabh Lavania

Bench: Saurabh Lavania

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2025:AHC-LK0:6820

Court No. - 12

Case :- APPLICATION U/S 482 No. - 905 of 2025

Applicant :- Balbir Singh And 4 Others

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

Counsel for Applicant :- Sukh Deo Singh, Paritosh Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania, J.

Vakalatnama filed on behalf of opposite party No.2 by Shri Brijesh Kumar Singh, Advocate is taken on record.

Heard learned counsel for the applicants, learned AGA for the State as well as learned counsel for opposite party No.2 and perused the record.

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

"Wherefore, it is most respectfully prayed that this Hon'ble Court may kindly be pleased to quash and set aside the impugned chargesheet dated chargesheet dated 02/02/2018 and summoning order dated 12/03/2018 along with other consequential

proceedings pending before Learned Chief Judicial Magistrate, Gonda, in Case No. 394/2018, "State Vs. Balbir Singh & Others", arising out of FIR No.272/2017, under Sections 419, 420, 467, 468, 471, 406, 120B, 504, 506 IPC, P.S. Kotwali Nagar, District Gonda, as contained in Annexure-2 and 3 to this Petition.

To stay the further proceeding pending before Learned Additional Chief Judicial Magistrate - II, Faizabad, in Case No.394/2018 "State Vs. Balbir Singh & Ors." arising out of FIR-No.272/2017, under section 419,420,467, 468,471,406,120B,504,506 IPC P.S. Kotwali Nagar, District Gonda, during the pendency of this Petition before this Hon'ble Court in the interest of justice."

It appears that after considering the averments made in the Application U/S 482 Cr.P.C. No.10072 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 13.11.2024 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 11.12.2024 (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 proceedings of Case No.394/2018, "State Vs. Balbir Singh & Others", arising out of FIR No.272/2017, under Sections 419, 420, 467, 468, 471, 406, 120B, 504, 506 IPC, P.S. Kotwali Nagar, District Gonda, pending before Learned Chief Judicial Magistrate, Gonda, 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