

# **Pawan Kumar Mishra And 3 Others vs The State Of U.P. Thru. The Prin. Secy. ... on 31 January, 2025**

**Author: Saurabh Lavania**

**Bench: Saurabh Lavania**

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2025:AHC-LK0:6839

Court No. - 12

Case :- APPLICATION U/S 482 No. - 927 of 2025

Applicant :- Pawan Kumar Mishra And 3 Others

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

Counsel for Applicant :- Arvind Kumar Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

Sri Prashant Tiwari, learned Advocate has filed his Vakalatnama on behalf of opposite party no.2, which is taken on record.

Heard learned counsel for the applicants, learned Counsel for opposite party no.2 learned AGA for the State of U.P. and gone through the record.

The present application has been filed for the following main relief:-

"For the facts, reasons and circumstances stated in the accompanying Affidavit, this Hon'ble court may kindly be pleased to quash the entire criminal proceeding of (State Versus Pawan Kumar & Others) Criminal case No.4855 /2015 (State Versus Pawan Kumar & Others) pending in the court of Civil Judge (Junior Division)/Fast track

Court (CWC) Bahraich, initiated against the petitioners in pursuance of the impugned charge sheet no 26/2017, dated 18.08.2017 arising out of Case Crime No.0008/2017, Under Sections- 498A, 323, 504, 506 IPC and 3/4 DP Act Police Station -Mahila Thana, District - Bahraich as well as cognizance/summoning order dated 03.04.2018 passed by Learned Chief Judicial Magistrate, Bahraich in Criminal Case No. 4855/2018 In terms of the compromise deed dated 11.12.2024/13.01.2025 and its verification report/order dated 22.01.2025 prepared by Civil Judge (Junior Division)/Judicial magistrate, Bahraich, as contained in Annexure No.1 and 2 to this Petition.

It is further prayed that this Hon'ble Court may kindly be pleased to stay the further proceeding initiated against the petitioners in Criminal case No.4855/2018 (State Versus Pawan Kumar & Others) pending in the court of Civil Judge (Junior Division)/Judicial magistrate, Bahraich, initiated against the petitioners in pursuance of the impugned charge sheet dated 18.08.2017 arising out of Case Crime No.0008/2017, Under Sections- 498A, 323, 504, 506 IPC and 3/4 DP Act Police Station Mahila Thana, Bahraich as well as cognizance/summoning order dated 03.04.2018 passed by Chief Judicial Magistrate Bahraich, in Criminal Case No-4855/2018 (State Versus Pawan Kumar & Others) during the pendency of this Petition."

It appears that after considering the averments made in the Application U/S 482 Cr.P.C. No. 11739 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 22.01.2025 (Annexure No.6) 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 Criminal Case No. 4855/2018, 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 Jyoti/-