

Dr. Indrajeet Bharti @ Indrajeet Bharti vs State Of U.P. Thru. Addl. Chief Secy. ... on 12 March, 2025

Author: Saurabh Lavania

Bench: Saurabh Lavania

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2025:AHC-LK0:15541

Court No. - 12

Case :- APPLICATION U/S 528 BNSS No. - 211 of 2025

Applicant :- Dr. Indrajeet Bharti @ Indrajeet Bharti

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

Counsel for Applicant :- Prem Prakash Singh

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

Vakalatnama filed on behalf of opposite party No. 2 by Shri Javed Khan, Advocate, is taken on record.

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

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

"For the facts, reasons and circumstances stated in the accompanying affidavit, it is most respectfully prayed that this Hon'ble Court may kindly be pleased to quash the proceedings of Criminal Case No. 06 of 2025, State Vs Dr. Indrajeet Bharti arising out of Case Crime No.- 0262/2024, U/S- sections 74, 75, 351(2), BNS, Police Station- Ahirauli, District- Ambedkarnagar, pending in the Court of Chief Judicial Magistrate Ambedkarnagar, in the interest of justice.

It is further prayed that proceedings of Criminal Case No.-06 of 2025, State Vs Dr. Indrajeet Bharti arising out of Case Crime No. 0262/2024, U/S- sections 74,75,351(2), BNS Police Station- Ahirauli, District- Ambedkarnagar, pending in the Court of Chief Judicial Magistrate Ambedkarnagar may kindly be stayed during the pendency of this petition."

This Court vide order dated 10.02.2025, passed in Application U/S 528 BNSS No.77 of 2025 had directed the parties to appear before the trial court concerned for verification of the compromise. The order dated 10.02.2025 is extracted herein under :-

"Sri Rajesh Kumar, Advocate, has put in appearance for the private opposite party No. 2 and has filed his Vakalatnama, which is taken on record.

Heard learned counsel for the parties and perused the record.

Instant application has been preferred by the applicant(s) for the following main relief(s):-

"For the facts, reasons and circumstances stated in the accompanying affidavit, it is most respectfully prayed that this Hon'ble Court may kindly be pleased to quash the proceedings of Criminal Case No.- 06 of 2025, State Vs Dr. Indrajeet Bharti arising out of Case Crime No. 0262/2024, U/S- sections 74, 75, 351(2), BNS, Police Station- Ahirauli, District- Ambedkarnagar, pending in the Court of Chief Judicial Magistrate Ambedkarnagar, in the interest of justice.

It is further prayed that proceedings of Criminal Case No.-06 of 2025, State Vs Dr. Indrajeet Bharti arising out of Case Crime No.- 0262/2024, U/S- sections 74,75,351(2), BNS Police Station- Ahirauli, District- Ambedkarnagar, pending in the Court of Chief Judicial Magistrate Ambedkarnagar may kindly be stayed during the pendency of this petition."

Learned counsel for the applicant(s) submitted that both the parties have amicably settled their dispute outside the Court and have entered into a compromise and a copy of compromise deed, duly signed by the parties, is annexed as Annexure No. 6 to the present application. As such, keeping in view the settlement arrived at between the parties and the law laid down by the Hon'ble Apex Court in this regard, the proceedings impugned are liable to be quashed.

It is further stated that a perusal of deed of settlement annexed as Annexure No. 6 to the instant application and the FIR lodged by the opposite party No. 2 registered as FIR No. 0262 on 03.09.2024 at Police Station- Ahirauli, District- Ambedkar Nagar, under Sections- 74, 351(2) Bharatiya Nyaya Sanhita, 2023 (in short "BNS") would indicate that the applicant and victim are the neighbors and on account of some petty dispute, the opposite party No. 2, on being advised so as to get the dispute settled, lodged the FIR and the said dispute has now been settled and as such, the opposite party No. 2 does not want to continue with the proceedings in issue.

Whether the parties have, in fact, compromised the matter or not, can best be ascertained by the trial court as such compromise has to be duly verified in presence of the parties concerned before the Court.

Considering the aforesaid, this application is disposed of finally in following terms:-

- (i) The parties to the proceedings in issue shall appear and file the compromise before the concerned court within four week's from today.
- (ii) If the parties appear before the concerned court in terms of above, the concerned Court shall proceed to verify the compromise between the parties to the proceedings and prepare a report to the same effect and the original compromise deed be made part of record.
- (iii) The concerned court shall conclude the process of verification of compromise within two week's from the date of production of copy of this order.
- (iv) The concerned court shall permit the parties to the proceedings to obtain the certified copy of the report as well as compromise deed.
- (v) It shall be open to the applicant(s) to approach this Court again for quashing of the proceedings.
- (vi) Office is directed to provide original compromise, if any, to the counsel for the applicant(s), after retaining its photocopy on record. It is for the purposes for its verification by the concerned court.
- (vii) For a period of eight weeks, no coercive action shall be taken against the applicant(s) in the aforesaid case."

It appears that after considering the averments made in the Application U/S 528 BNSS No.77 of 2025 and the documents in support thereof as also the submissions made by the learned counsel for the applicant, this Court vide order dated 10.02.2025 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 04.03.2025 (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 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 of Criminal Case No.06 of 2025, "State Vs . Dr. Indrajeet Bharti", arising out of Case Crime No.0262/2024, U/S-sections 74,75,351(2) BNS, Police Station - Ahirauli, District - Ambedkarnagar, pending in the Court of Chief Judicial Magistrate , Ambedkarnagar, quoted above, are hereby quashed qua the applicant.

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

Order Date :- 12.3.2025 ML/-