

Court No. - 12

Case :- APPLICATION U/S 482 No. - 5194 of 2013

Applicant :- Lakhan Lal

Opposite Party :- The State Of U.P And Anr.

Counsel for Applicant :- Anand Dubey

Counsel for Opposite Party :- Govt. Advocate, Karam Veer Yadav

Hon'ble Rajeev Singh, J.

1. Heard Mr. Abhishek, learned counsel appearing for the applicant and Mr. Yatindra Kumar Agnihotri, learned A.G.A. for the State and also perused the record.

2. This application under Section 482 Cr.P.C. has been filed with the following prayer:-

"To quash the charge sheet No.-16/2013 filed on 09.02.2013 arising out of case crime No.-566 of 2012 (State Versus Bharat Lal and others), U/S 498-A/323/504/506. L.P.C. and 3/4 D.P.Act. P.S. Mahila Thana District Faizabad same is contained as Annexure No.-1 as well as summoning and cognizance order dated: 05.04.2013 passed by learned Judicial Magistrate 11 District Faizabad, while taking cognizance in the matter on 05.04.2013 in case No.-1739 of 2013, (State Versus Bharat Lal and others) the applicant has been summoned, same is annexed as Annexure No.-2 to this petition.

The proceedings of Case No.-1739 of 2013 (State Versus Bharat Lal and others), may be stayed."

3. Case called out no one has put in appearance for the private respondent, name of Mr. Karam Veer Yadav is shown as counsel for the complainant.

4. Learned counsel for the applicant submitted that the applicant has been falsely implicated in the present case and he is not in direct relation with the victim/private respondent of the present case as admittedly he is the mediator of the marriage of the private respondent on the request of her family members. He also submitted that it came into the knowledge of the applicant that some matrimonial dispute have arisen in between the private respondent and her husband and criminal proceeding were initiated by lodging an FIR and the applicant was also implicated. There is no evidence against the applicant in the statement of the victim, recorded under Section 161 CrPC but the chargesheet was filed by the investigating officer in the most mechanical manner. He also relied on the decision of the

Hon'ble Apex court in the case of **Geeta Mehrotra and Anr. v. State of Uttar Pradesh and Anr.** and requested that the impugned proceedings in relation to the applicant may be quashed.

5. Learned AGA opposed the prayer of the applicant and submitted that after detailed investigation chargesheet was filed but he does not dispute this fact that after going through the contents of Statement of the witnesses annexed with the petition that no specific allegation have been leveled against the applicant as it is alleged that he was associated only with the in-laws of the private respondent.

6. Considering the arguments of learned counsels for the parties and going through the contents of petition as well as other relevant documents, as it is admitted case of the prosecution that the applicant was the mediator of the marriage of the private respondent and her husband and he is not in any direct relation with her; as the Hon'ble Apex Court in the case of Geeta Mehrotra (supra) has already held that it is a tendency in the society that in-laws as well as other associates are also being implicated in the disputes related to the marriage; as no specific allegation have been made against the applicant; as he was only the mediator in the marriage of the private respondent and his only association is with the in-laws of the private respondent, therefore in such circumstances this Court is of the view that the prosecution would be a futile one, accordingly, impugned proceedings in relation to the applicant are here by set aside.

7. Accordingly, the application is **allowed**.

Order Date :- 22.11.2023

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