

Court No. - 11

Case :- APPLICATION U/S 482 No. - 6108 of 2023

Applicant :- Bheem Alias Bheem Deo

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

Counsel for Applicant :- Manoj Kumar Singh, Ashish Kumar Dubey

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Kumar Singh, J.

1. Present petition under Section - 482 CrPC has been filed with the following prayer :-

"It is most humbly prayed that this Hon'ble Court may kindly be pleased to quash the impugned charge sheet (police report) bearing no.01 of 2017 dated 15.11.2017 vide case crime no.1191 of 2017, under sections - 419, 420, 467, 471, 506 IPC, police station - Kaiserganj, District Bahraich and order of cognizance and summoning order dated 23.12.2017 passed by learned Judicial Magistrate, Bahraich in Case No.14573 of 2017 vide [State versus Bheem and Others] and entire further proceedings of the case in pursuance thereof, pending in the court of learned Chief Judicial Magistrate, Bahraich, in respect of the applicant, in pursuance of the compromise arrived between the applicant and opposite party no.2, in the ends of justice."

2. The FIR in question bearing no.1191 of 2017 was registered on 21.06.2017 under Section - 419, 420, 467, 468, 471, 506 IPC at police station - Kaiserganj, District Bahraich on the complaint of the mother of respondent no.2 namely Asha Verma.

3. Allegations in the FIR are that the mother of respondent no.2 was a widow and destitute female. She was having only two daughters. She got financial assistance in the year 2001 under the Indira Awas Yojana. With the assistance given under the scheme and with her resources, she constructed Indira Awas and started living in the said house with her daughter. However, one Vinod Kumar who is said to be no more and the petitioner Bheem Deo in furtherance of the criminal conspiracy prepared forged documents. On the basis of these forged documents on 17.11.2014 Bheem Deo transferred the Indira Awas in favour of deceased Vinod Kumar. Thereafter, Vinod Kumar started threatening the complainant and his daughter for vacating the house in question. On the basis of these allegations, FIR in question came to be registered. The complainant also died on 15.12.2022.

4. After investigating the offence the charge sheet has been filed. The petitioner has been summoned for offence under sections - 419, 420, 467, 468, 471, 506 IPC.

5. It is not in dispute that the respondent no.2 has been living throughout in the said house since year 2001. Even after death of the complainant, i.e., mother of respondent no.2, she is occupying and living peacefully in the said house. It is further stated that in pursuance to the said sale deed dated 17.11.2014, no action has been taken for eviction of respondent no.2 or her mother till her lifetime.

6. She has perfected her title as she got the house made with the

assistance given to her mother in the year 2001.

7. The petitioner admits that he has no right, title or interest over the house in question and the said sale deed in favour of deceased Vinod Kumar is invalid document.

8. The respondent no.2 who is present in the Court states that she does not apprehends any threat from the petitioner or anyone as she has been living with her mother for all these years peacefully in the house in question and the impugned proceedings against the petitioner may be quashed.

9. The petitioner no.1 and opposite party no.2 are present in person before the Court who have been duly identified by their respective counsel.

10. Learned counsel for the parties submits that present proceedings are an outcome of civil dispute between the parties and they have settled their dispute amicably outside the Court and they have arrived at the compromise. Compromise deed has been placed on record as Annexure - 4 to the petition. The parties have confirmed the terms of compromise. Opposite party no.2 does not have any objection, if the impugned proceedings are quashed against the petitioner.

11. I have considered the submissions of learned counsel for the parties and perused the record.

12. Considering the aforesaid fact and also taking into consideration that the dispute between the parties is civil dispute and Hon'ble Supreme Court in the judgments rendered in the cases of ***B.S. Joshi and Others versus State of Haryana and Another : (2003) 4 SCC 675, Nikhil Merchand versus CBI and Another : (2008) 9 SCC 677, Manoj Sharma versus State and Others : (2008) 16 SCC1, Gian Singh versus Station of Punjab : (2010) 15 SCC 118 and Narinder Singh and Others versus State of Punjab and Another : (2016) 6 SCC 466*** has held that the criminal proceedings which are result of dispute of personal or commercial nature, may be quashed in exercise of power under Section 482 CrPC by the High Court.

13. In view of the aforesaid, the present petition is allowed. Charge sheet (police report) bearing no.01 of 2017 dated 15.11.2017 in case crime no.1191 of 2017, under sections - 419, 420, 467, 471, 506 IPC, police station - Kaiserganj, District Bahraich and order of cognizance and summoning order dated 23.12.2017 passed by learned Judicial Magistrate, Bahraich in Case No.14573 of 2017 vide [State versus Bheem and Others] and entire further proceedings of the case in pursuance thereof, pending in the court of learned Chief Judicial Magistrate, Bahraich, in respect of the applicant are quashed in pursuance of the compromise arrived at between the applicant and opposite party no.2, in the ends of justice.

Order Date :- 23.6.2023

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