

Court No. - 12

Case :- APPLICATION U/S 482 No. - 5426 of 2011

Applicant :- Ashish Jhunjhunwala And Anr.

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

Counsel for Applicant :- Santosh Srivastava

Counsel for Opposite Party :- Govt. Advocate, Ranjan Mishra, Vivek Raghubanshi

Hon'ble Rajeev Singh, J.

1. Heard learned counsel for the applicants, learned A.G.A. for the State and perused the material available on record.

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

"To set aside and quash the chargesheet no. 13/09 dated 15.4.2009 submitted against the petitioners contained in Annexure-1 and the impugned order dated 21.12.2009 passed by the learned Magistrate contained in Annexure-2 taking the cognizance of the offence and every proceeding arising out of the same including the order dated 24.9.2011 passed by the learned Magistrate contained in Annexure-26 directing the issuance of non-bailable warrants of arrest against the petitioners.

It is further prayed that pending decision of the present petition the further proceedings of Case No. 8635 of 2009 (Crime No.321 of 2009), U/s. 406,323,504 1.P.C. and Section 3(1) X S.C.S.T. Act, P.S. Kotwali Nagar, Barabanki, pending in the Court of Chief Judicial Magistrate, Barabanki may kindly be stayed."

3. Learned counsel for the applicant submitted that applicants were directors in M/s. J.R.Organics Ltd., P.S.- Kotwali Nagar, District Barabanki, Lucknow Address: B-10, J-Road, Mahanagar, P.S. Mahanagar, Lucknow and as factory campus were situated in District Barabanki and the private respondent was one of the employee of the company and some loan was taken from the bank and installment of the loan was to be transferred by the aforesaid company after deducting from his salary but some installments were not transferred, as a result of which the FIR of case in question was lodged by the private respondent and other similarly situated persons and thereafter the matter was referred to the Mediation Center in company appeal no. 1 of 2011 M/s. J.R.Organics Ltd., P.S.- Kotwali Nagar, District Barabanki Vs. Balrampur Chini Mills Ltd. at the Mediation center of this Court and the issue was resolved between the parties, including the issue involved in the present

petition. Learned counsel for the applicant drew attention of this Court on the aforesaid mediation report and prayed that the petition may be disposed of in terms of the mediation report.

4. No one has put in appearance for the private respondent. As the matter is listed in the category of cases not to be adjourned and as the case is pending since 2011, therefore it is being proceeded with. Learned AGA does not dispute this fact that controversy was referred to the mediation center and it was resolved and rest of the matters were decided in terms of the report of the mediation but he has no objection in case the petition is disposed of in terms of the report of the aforesaid mediation proceedings.

5. Considering the arguments of learned counsel for the applicants, learned AGA and going through the contents of petition, present petition is being disposed of in terms of the mediation report annexed with the supplementary affidavit, as all the installment amount has already been paid. Present petition is **allowed** and the chargesheet no. 13/09 dated 15.4.2009 submitted against the petitioners as well as the impugned orders dated 21.12.2009 and 24.9.2011 are quashed and the further proceedings of Case No. 8635 of 2009 (Crime No.321 of 2009), U/s. 406,323,504 1.P.C. and Section 3(1) X S.C., S.T. Act, P.S. Kotwali Nagar, Barabanki, pending in the Court of Chief Judicial Magistrate, Barabanki are stayed.

Order Date :- 5.12.2023

Vipul