

Court No. - 12

Case :- APPLICATION U/S 482 No. - 11100 of 2023

Applicant :- Anupam Tripathi

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

Counsel for Applicant :- Vineet Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Vakalatnama filed by Shri Prateek Srivastava, Advocate, on behalf of private respondent is taken on record.

2. On 19.12.2023, following order was passed:

"1. On 08.11.2023, following order was passed:

"1. Heard learned counsel for applicants as well as learned AGA.

2. The present application under Section 482 has been filed with the following prayer:-

"to stay the proceedings, pending in court below with regard to Charge-Sheet no. 1/2021 dated 30-5-2021 against the petitioner, arising out of crime no. 1228/2019, under section-406 I.P.C., relating to Police Station-Chinhat, District-Lucknow and consequential proceedings i.e. summoning order dated 7-12-2022 against the petitioner pending in the court of Learned Additional Chief Judicial Magistrate, V, Lucknow, District-Lucknow."

3. Learned counsel for the applicant submitted that the money in question was transferred by the informant in the account of the applicant and no any request was made for returning the said amount. All of a sudden the FIR of case in question was lodged. He also submitted that applicant is ready to return the entire amount and also requested that the matter may be sent to the mediation center of this Court.

4. Learned AGA opposed the prayer of relief of the applicant and submitted that after investigation chargesheet has already been filed and cognizance has been taken by the Court below but he does not dispute this fact that there is a money dispute between the parties and the amount in question was transferred by the private respondent in the account of the applicant.

5. Considering submission of rival parties and going through the contents of the petition as well as other relevant documents, as there is money dispute between the parties therefore possibility of settlement cannot be ruled out.

6. List this case on 19.12.2023

7. On the next date, applicant as well as private respondent shall appear in person before this Court.

8. Station House Officer, P.S. Chintah District Lucknow is directed to ensure the presence of private respondent, Anjali Singh, D/o Shri Ram Lakhan Singh, R/o-Village- Narendi Post-Juggour, Chintah, Lucknow before this Court on the next date of listing.

9. Revisionist is directed to deposit a sum of Rs. 20,000/- before Senior Registrar of this Court within three weeks from today.

10. Until further order, no coercive steps be taken against applicant.

11. In case, the aforesaid amount is not deposited by applicant within stipulated period then benefit of interim protection will not be available to the petitioner. "

2. In pursuance of earlier order, applicant as well as private respondent along with S.I. Dinesh Kumar Tiwari and Lady Constable Pooja, P.S. Chintah, District- Lucknow are present before this Court.

3. Learned counsel for the applicant requested that the matter may be listed on 21.12.2023, and in the meantime, applicant will transfer disputed amount of Rs.1,00,000/- in the account of private respondent bearing no.56800100002455, Bank of Baroda, Goel Campus, Lucknow.

4. Accordingly, the prayer is allowed.

5. List this case on 21.12.2023 at 3:30 PM.

6. On the next date, parties shall again appear before this Court.

7. Presence of officers is hereby exempted. "

3. In pursuance of earlier order, parties are present and they have been duly identified by their counsel. Private respondent stated that the rest of the amount i.e. 1,00,000/- has already been received in her account bearing no.56800100002455, Bank of Baroda, Goel Campus, Lucknow (copy of bank receipt dated 20.12.2023 provided by the learned counsel for the parties is taken on record) and she also stated that she has no objection, in case, the proceedings in question be quashed.

4. Considering the submissions of private respondent present before this Court, going through the contents of application, copy of bank receipt dated 20.12.2023, as well as other relevant documents as rest of the amount i.e. Rs.1,00,000/- has already been deposited in the account of private respondent, therefore, prosecution in question will be futile one.

6. Accordingly, the application is **allowed** and the entire proceeding including Charge-Sheet no. 1/2021 dated 30-5-2021 arising out of case crime no. 1228/2019, under section- 406

I.P.C., relating to Police Station- Chinhat, District-Lucknow as well as summoning order dated 7-12-2022 passed by the Additional Chief Judicial Magistrate, V, Lucknow, District-Lucknow are hereby quashed.

7. Rs.20,000/- deposited by the applicant to the Senior Registrar of this Court be remitted back to the applicant.

Order Date :- 21.12.2023

V. Sinha