

Court No. - 12

Case :- APPLICATION U/S 482 No. - 12003 of 2023

Applicant :- Lal Ji Maurya

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

Counsel for Applicant :- Viksit Srivastava, Yojana Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

1. Vakalatnama filed by Mr. Sushil Kumar Verma, Advocate on behalf of private respondent is taken on record.
2. Heard learned counsel for the applicant, learned counsel for private respondent, learned A.G.A. for the State and perused the record.
3. The present application has been filed for quashing the impugned Summoning order dated 31/08/2013 passed by learned Judicial Magistrate- I, Lucknow in Crl. Case No-2802455/2013 (***State of UP versus Lal Ji Maurya***) as well as the proceedings arising out of the impugned summoning order dated 31/08/2013 and the charge-sheet/Final Report submitted by Investigating officer on 10/07/2013.
4. Learned counsel for the applicant submits that applicant has been falsely implicated in the present case as husband of private respondent committed suicide. He further submits that after one month of the alleged incident, F.I.R. of the case in question was lodged by private respondent with the allegation that sum of Rs. 2,80,000/- was taken by applicant for facilitating the employment in the Cultrural Department but neither the employment was facilitated to husband of private respondent nor the money was returned. As the said money was collected in lieu of exchange of ornaments of the private respondent, as a result, husband of private respondent committed suicide and one suicide note was also found but the mode of payment was not mentioned. It is further submitted that charge-sheet was submitted by Investigating Officer in the most mechanical manner. It is further submitted that applicant is a practicing doctor in the medical profession and now, the issue has already been resolved between the parties by way of settlement agreement dated 02.12.2023, hence, trial of the case in question would be futile one.

5. Learned counsel for the applicant relies of the decision of this court in the case of ***Mohd. Amir vs. State of U.P. and another*** passed in ***Application U/s 482 Cr.P.C. No. 9023 of 2019 dated 21.05.2020*** and submits that even in the case of Section 306 I.P.C., if the parties are arrived at a compromise and have decided to live peacefully then no useful purpose would be served in allowing the criminal proceedings to continue. It is, thus, submitted that indulgence of this Court is required.

6. Learned counsel for private respondent/complainant submits that he has not objection, in case, the impugned proceedings are quashed. He also concedes this fact that settlement agreement was signed by private respondent.

7. Learned A.G.A. vehemently opposes the prayer of applicant and submits that suicide note was found in the hand-writing of deceased, in which, it was categorically mentioned that sum of Rs. 2,80,000/- was taken by applicant for providing the employment but neither the money was returned nor the employment was facilitated. He further submits that after detailed investigation, charge-sheet was submitted by Investigating Officer; in such circumstances, the proceedings cannot be quashed on the basis of settlement of legal heirs of the deceased, hence, the present application/petition is liable to be dismissed.

8. Considering the submissions of learned counsel for the applicant, learned counsel for private respondent, learned A.G.A. and going through the contents of application as well as other relevant documents; it is well settled by Hon'ble Apex Court that in the heinous cases, the proceedings cannot be quashed on the basis of compromise arrived between the parties. In the present case, it is evident that one suicide note was found in the hand-writing of deceased, in which, it was categorically mentioned that sum of Rs. 2,80,000/- was taken by applicant for providing the employment but neither the money was returned nor the employment was facilitated. In such circumstances, merely on basis of compromise, the proceedings cannot be quashed.

9. With the above observations, this Court is of the view that the present application U/s 482 Cr.P.C. is misconceived and accordingly, stands **dismissed**.

Order Date :- 11.12.2023

Arpan