

Court No. - 16

Case :- APPLICATION U/S 482 No. - 731 of 2022

Applicant :- Mukesh Singh

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

Counsel for Applicant :- Hemant Kumar Mishra, Arti Ganguly

Counsel for Opposite Party :- G.A., Sandhya Dubey, Sudha Sharma

Hon'ble Shamim Ahmed, J.

Learned counsel for the applicant has filed a supplementary-affidavit, which is taken on record.

Sri Hemant Kumar Mishra and Ms. Arti Ganguly, learned counsel for the applicant alongwith the applicant Mukesh Singh as well as Mrs. Sandhya Dubey, learned counsel for the opp. party No. 2/ Sri Ashok Kumar Yadav and his Associates, namely, Teerath Raj Seth, Madhuban Yadav, and Anand Pandey, alongwith them in person, and Sri Ashok Kumar Singh, learned A.G.A. for the State/opp. party No. 1, are present.

This court vide order dated 30.5.2024 passed the following order:

“In compliance of order dated 22.05.2024, the applicant Mukesh Singh is present before this Court and he has been identified by his counsel Sri Hemant Kumar Mishra.

The opposite party No.2-Ashok Kumar Yadav along with his associates, namely, Tirathraj Seth, Madhuban Yadav and Anand Pandey are also present before this court and he has been identified by his counsel Smt Sandhya Dubey.

Learned counsel for the opposite party No.2 submits that she will give the break-up of the amount to be paid by the applicant by way of detailed supplementary affidavit within ten days from today.

Sri Hemant Kumar Mishra, learned counsel for the applicant may file reply, if any, to the supplementary affidavit filed by the learned counsel for the opposite party No.2, and if his client is ready to deposit the amount given the said affidavit, he will bring a Demand Draft, so that the matter may be decided.

List this case on 22.07.2024 before this Court for further orders.

On the next date fixed, the applicant-Mukesh Singh and the opposite party No.2-Ashok Kumar Yadav along with his associates, namely, Tirathraj Seth, Madhuban Yadav and Anand Pandey shall appear in person before this Court.”

Today, Mrs. Sandhya Dubey submits that she has already filed supplementary-affidavit giving the total amount due against the applicant Mukesh Singh in respect of the above named persons, who are associates of Sri Ashok Kumar Yadav/opp. party No. 2.

In reply thereto, learned counsel for the applicant Sri Hemant Kumar Mishra, Advocate submits that the applicant has brought bank-drafts of the amounts, as claimed by Mrs. Sandhya Dubey in her affidavit, to be paid to the respective parties. He further submits that Sri Ashok Kumar Yadav/opp. party No.2 has been handed over the bank-draft of **Rs. 10,51,333.00 (Ten Lakhs, fifty one thousand three hundred and thirty three only)**, bearing Bank-Draft No. 000236 drawn on Axis Bank; His Associate, namely, Madhuban Yadav, has been handed over a bank-draft of **Rs. 1,41,278.00 (One Lakh, forty one thousand, two hundred and seventy eight only)** bearing Bank-Draft No. 000237 and the second associate, namely, Teerath Raj Seth has been handed over a bank-draft of **Rs. 20,57,198.00 (Twenty Lakhs, Fifty seven thousand, one hundred and ninety eight only)** bearing Bank Draft No. 000238. All the Bank-drafts have been handed over to the concerned parties in original by their Advocate Mrs. Sandhya Dubey in front of the court today and each of them have accepted their respective Bank-drafts. Photostat copies of the said Bank-Drafts have also been filed alongwith the supplementary-affidavit as Annexure No.1 and in the said photostat copies the respective person has also given receiving, stating therein that now no amount is due against the applicant Mukesh Singh in respect of the present case and whatever the amount was due, that has all been paid today and now they will not file any criminal case in respect of the present dispute in any court of law.

The fourth associate Sri Anand Pandey is also present before the court. He submits that his no amount is due against the applicant Mukesh Singh, hence he does not claim any amount.

It was further agreed by the above persons that they have no objection, if the proceeding pending before the trial court with regard to the present case are quashed by this court, exercising power under Section 482, Cr.P.C. and of Section 528 of Bhartiya Nagrik Suraksha Sanhita.

Mrs. Sandhya Dubey, learned counsel for the opp. party No. 2 Sri Ashok Kumar Yadav and his associates, and they also submit before this court that whatever the amount of the opp. party No. 2 Sri Ashok Kumar Yadav and his associates, namely, Sri Teerath Raj Seth and Madhuban Yadav, was due on the applicant Mukesh Singh, that all have been paid to them by way of bank-draft before this court and now they have no grievance

against the applicant and have no objection if the proceeding pending before the trial court between the parties are quashed by this court, exercising power under Section 482, Cr.P.C. and Section 528 of Bhartiya Nagrik Suraksha Sanhita.

It is also stated by Mrs. Sandhya Pandey that above persons were team leader and they have taken money from their associate and they will distribute to each of them as per there share.

Sri Ashok Kumar Yadav, Sri Teerath Raj Seth and Madhuban Yadav have also stated the same thing and also stated that whatever the amount is due on their agents, they will distribute as per their share, as they have now taken the entire amount due against the applicant Sri Mukesh Singh, accordingly, in view of the settlement arrived at between the parties and as per the affidavit filed by the parties, no any useful purpose will be served by continuing the proceeding before the trial court any further, thus, in view of the judgment referred by Hon'ble the Supreme Court in the case of **Parbatbhai Aahir @ Parbatbhai ... vs The State Of Gujarat, 2017 (9) SCC 641**, the proceedings of Case No 2077/2021, State v. Mukesh Singh & ors., arising out of Case Crime No. 118 of 2020 under Section 409/406/420, I.P.C., P.S. Vibhuti Khand, Gomti Nagar, District Lucknow, pending before the trial court are hereby **quashed and set aside**. The present application is **allowed**.

Case: Application u/s 482 No. 552 of 2022, Mukesh Singh v. State & anr., is **delinked** from the present case to be heard separately.

Let the said case be listed on 31.7.2024 before the appropriate Bench. Interim order granted therein shall continue till the next date of listing.

(Shamim Ahmed, J.)

Order Date :- 22.7.2024

A.Nigam