

Court No. - 29

Case :- APPLICATION U/S 482 No. - 2514 of 2024

Applicant :- Munna Khan @ Munna

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

Counsel for Applicant :- Rahul Kumar Singh, Manoj Kumar Verma

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot, J.

Heard Shri Rahul Kumar Singh, Shri Manoj Kumar Verma, learned counsel for the applicant and learned AGA for the State.

The instant application u/s 482 Cr.P.C. has been filed for quashing the entire criminal proceedings of the Case No.1429 of 2009, arising out of Case Crime No.319/2008, under Section 25/27 of Arms Act, Police Station- Hasanganj, District- Lucknow pending before learned Additional District Judge/POCSO Act-3, Lucknow.

Learned counsel for the applicant submits that the proceedings were registered as Case Crime No.314 of 2008 in regard to an offence committed on 09.06.2008. The FIR was result of a petty neighborhood rivalry and the parties amicably arrived at a compromise. The compromise so effected was duly reduced to writing and confirmed by the trial court.

This Court set aside the S.T. No.1427 of 2009 (State Vs. Munna Malihabadi and others) arising out of Case Crime No.314 of 2008, under Sections 147, 148, 149,

323, 504, 307, 336, 452, 506 IPC and 7 CrL. Law Amendment Act by its judgement dated 25.01.2024 rendered in Application U/s 482 No.3573 of 2022. The instant criminal proceedings registered under Section 25/27 of the Arms Act arise out of the same incident and offence. Since, it is common ground between the parties that the parties had arrived a compromise, there was no possibility of the weapon being used in contravention of the Arms Act. Moreover, the weapon in dispute is a duly licensed weapon. Further the prosecution case set out in the FIR discloses that both the weapons were duly licensed.

In view of the compromise between the parties, it is evident that the said licensed weapons were not used in contravention of the Arms Act.

These facts could not be disputed by the learned AGA and borne out from the records.

Continuance of criminal proceedings in these circumstances will be an exercise in futility as there is no possibility of conviction of the applicants. Further the proceedings will entail wastage of precious judicial time and create bad blood between the parties.

No useful purpose would be served by keeping the application pending

In wake of the aforesaid, the entire criminal proceedings of Case No.1429 of 2009 (State Vs. Munna Malihabadi), arising out of Case Crime No.319/2008, under Section 25/27 of Arms Act, Police Station-Hasanganj, District- Lucknow pending before learned Additional District Judge/POCSO Act-3, Lucknow as well as cognizance and summoning order dated

12.01.20210, are quashed.

The application u/s 482 Cr.P.C. is **allowed**.

Order Date :- 15.3.2024

Ashutosh