

Court No. - 16

Case :- APPLICATION U/S 482 No. - 2620 of 2024

Applicant :- Ram Kripal

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

Counsel for Applicant :- Vijayendra Prakash Tripathi, Sanjeev Kumar
Mishra

Counsel for Opposite Party :- G.A., Akhilesh Kumar Pandey

Hon'ble Shamim Ahmed, J.

Heard Sri Vijayendra Prakash Tripathi, learned counsel for the applicant alongwith the applicant Sri Ram Kripal and Sri Akhilesh Kumar Pandey, learned counsel for the opp. party No. 2 alongwith the opp. party No. 2 Mohd. Nayeem and Sri Ashok Kumar Singh, learned counsel for the State/opp. party No. 1.

By means of this petition, the petitioner has prayed for the following relief:-

"Wherefore, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to quash the impugned charge sheet no. A-73/20, dated 21/02/2021 arising out of case crime no. 20/2020, U/S- 406/420 L.P.C. at Police Station- Kotwali Nagar, District-Faizabad / Ayodhya, and also prayed for quashing of impugned summoning order dated 13/12/2022 passed by the Chief Judicial Magistrate, Faizabad and also quash the order dated 09/02/2024 by which he has issued non Bailable warrant against the petitioner illegally, arbitrarily and without applying his judicial mind as contained as Annexure No. 1, 2 & 3 to this petition.

It is further prayed that this Hon'ble Court may graciously be pleased to stay the proceeding of criminal case no. 14149/2022, arising out of case crime no. 20/2020, U/S- 406/420 I.P.C. at Police Station- Kotwali Nagar, District- Faizabad / Ayodhya pending before Chief Judicial magistrate, Faizabad, in the interest of justice."

This court on 08.07.2024 passed the following order:

"In compliance of order dated 16.05.2024, Ram Kripal, applicant herein, is present alongwith his Advocate Sri Vijayendra Prakash Tripathi and he has brought a demand-draft of Rs. 20,000.00 only, out of Rs. 90,000.00, as was directed in the said order. He submits that due to some unforeseen

contingencies, he could not fully complied the order, however, he assured this court that he shall pay the remaining amount of Rs. 70,000.00 before this court within 10 days, without fail.

Sri Akhilesh Pandey, learned counsel for the opp. party No. 2, has no objection to the proposal made before this court.

Sri Aniruddh Narayan Singh, learned A.G.A. also submits that as sometime has been sought, the same may be granted, in the interest of justice, to make the full payment.

The original draft has been handed over to Sri Akhilesh Pandey, Advocate and its receipt has been taken on the photostate copy of the original draft, which is taken on record.

In view of the submissions made by the learned counsel for the parties, list this case on 29.07.2024. On that date, Sri Ram Kripal, applicant, shall bring a demand-draft (D.D.) of Rs. 70,000.00, the remaining amount, in the name of the Opp. party No. 2, Mohd. Naeem, so that the same may be handed over to the counsel for the opp. party No. 2.

On the next date of listing, the opp. party No. 2 shall also remain present before this court.

The name of Sri Akhilesh Pandey, Advocate be printed in the cause-list as counsel for the opp. party when the case is next listed.

Interim order granted earlier, shall continue till the next date of listing."

In compliance of order dated 08.07.2024, the applicant has brought Bank Draft of the remaining balance amount of Rs. 70,000.00, bearing Bank Draft No. 048004 dated 25.07.2024 drawn at State Bank of India. The original Bank Draft has been handed over to the opp. party/Sri Mohd. Nayeem in front of this court and his receiving has been taken on photostat copy of the said Bank Draft, which has also been countersigned by Sri Akhilesh Kumar Pandey, Advocate, and the same is taken on record. Mohd. Nayeem and his Advocate submits that now no amount is due in pursuance to the present dispute and the entire payment has been made to Mohd. Nayeem, thus, Mohd. Nayeem and his Advocate Sri Akhilesh Pandey submits that they have no objection, if the proceedings of the trial court are quashed by this court exercising power under Section 482, Cr.P.C. or under Section 528 of Bhartiya Nagrik Suraksha Sanhita, and the present application is allowed.

Accordingly after considering the augments as advanced by the learned counsel for the parties and after perusal of the record,

and as the entire payment has been made to Mohd. Nayeem/opp. party by Sri Ram Kripal/applicant, thus, the entire dispute has been resolved between the parties and as per the Statement given by Mohd. Nayeem and Sri his counsel Sri Akhilesh Kumar Pandey before this court, the entire proceedings of Criminal Case No. 14149/2022, in pursuance to the charge sheet no. A-73/20, dated 21/02/2021 arising out of case crime no. 20/2020, U/S- 406/420 L.P.C. at Police Station-Kotwali Nagar, District-Faizabad / Ayodhya, pending before the trial court, and also the summoning order dated 13/12/2022 passed by the Chief Judicial Magistrate, Faizabad and the order dated 09/02/2024 issuing non Bailable warrant against the petitioner, in the said case, are hereby **quashed**. The present applicant is accordingly **allowed**.

No order as to costs.

(Shamim Ahmed, J.)

Order Date :- 29.7.2024

A.Nigam