

Neutral Citation No. - 2024:AHC-LKO:55208

Reserved on 02.08.2024

Delivered on 12.08.2024

Court No. - 16

Case :- CRIMINAL MISC. WRIT PETITION No. - 5521 of 2022

Petitioner :- Aziz Khan

Respondent :- State Of U.P. Thru. Addl. Chief Secy./ Prin. Secy. Home, Lko.
And Others

Counsel for Petitioner :- Anand Mani Tripathi

Counsel for Respondent :- G.A., Diwakar Singh

Hon'ble Shamim Ahmed, J.

1. Heard Sri Anand Mani Tripathi, Advocate assisted by Sri P. Venkatesh, learned counsel for the petitioner, Sri Ashok Kumar Singh, learned A.G.A.-I assisted by Sri Rajesh Kumar, learned Brief Holder for the State Opposite Parties and perused the record.

2. Learned A.G.A.-I for the State has filed counter affidavit on 02.08.2024, which is taken on record.

3. The instant writ petition has been filed seeking following main reliefs:-

"(i) to issue a writ, order or direction in the nature of Certiorari thereby quashing the order dated 11.07.2022 passed by Additional Sessions Judge / Special Judge (Prevention of Corruption Act), Lucknow (Room No.3) contained as Annexure No.9 to this writ petition.

(ii) to issue a writ, order or direction in the nature of Certiorari thereby quashing the entire proceeding in Criminal Case No.661/2021, Case Crime No.500/2013, under Sections 420, 467, 468 and 471 I.P.C., Police Station Hazratganj, District Lucknow.

(iii) to issue a writ, order or direction in the nature of Mandamus thereby commanding/directing the opposite party No.2 to not to proceed any further in Criminal Case No.661/2021, Case Crime No.500/2013 pending before him and no charge be framed against the petitioner in any manner."

4. The brief facts of the case are that in the year 1997-1998, the State Government has launched a scheme namely Pariksha Purve Coaching Yojna

& Commercial Training and Kaushal Sudhar Yojna through U.P. Alpsankhayak Vitt Vikas Nigam Limited Lucknow (hereinafter termed as 'Nigam'). A proposal was given to coaching institute and since the petitioner was also having a coaching institute in the name and style as 'New Standard Coaching Institute, Hazratganj Lucknow', therefore, he applied for the said scheme.

5. Learned counsel for the petitioner submits that in reference to the aforesaid scheme, a letter was issued to the petitioner on 11.09.1998 bearing letter No. U.P.M.F.D.C/1822/98 with certain terms and condition mentioned in the said letter. Copy of the letter dated 11.09.1998 has been annexed as Annexure No. 1 to this writ petition.

6. He further submits that a notarial agreement was made in between the U.P. Alpsankhayak Vitt Vikas Nigam Limited Lucknow and petitioner according to terms and conditions mentioned in the letter dated 11.09.1998. He further submits that it was assured to the petitioner by the Nigam that at the rate of Rs. 8,100/- per candidate will be paid after the completion of the session year 1998-1999, however, in an arbitrarily manner Rs. 6,595/- per candidate payment was given to the petitioner.

7. He further submits that selection of the candidate for coaching was conducted by the U.P. Alpsankhayak Vitt Vikas Nigam Limited Lucknow and the list of the selected candidates was provided to the petitioner. Copy of the list of candidates has been annexed as Annexure No. 2 to this writ petition.

8. He further submits that as per terms and conditions of scheme of Nigam, the petitioner provided the coaching facility to the selected candidates as per list provided by the Nigam to the petitioner and after completion of the coaching session, payment was given to the petitioner. Copy of the payment of the receipt has been annexed as Annexure No. 3 to this writ petition.

9. He further submits that the term and condition mentioned at serial No. 16 in the letter dated 11.09.1998 was that if breach of contract arise by the coaching institute, the programme of the coaching can be cancelled at any time and recovery can be made against the paid amount. He further submits that the above noted scheme was extended time to time and the petitioner was continued up to the year of 2000.

10. He further submits that in the year of 2013, on the basis of confidential report of Vigilance Establishment Anubhag-I U.P., an information was given by informant namely Ram Teerath (Inspector) to the Police Station-Hazratganj, District-Lucknow and on that very basis a criminal case was

registered at Case Crime No. 500/2013, under Section-420, 467, 468, 471 IPC at Police Station-Hazratganj, Lucknow. Copy of the First Information Report has been annexed as Annexure No. 4 to this writ petition.

11. He further submits that the first information report was registered after a gap of more than 12 years without giving any notice/opportunity to the petitioner prior to the registration of the aforesaid First Information Report.

12. He further submits that the petitioner filed a writ petition bearing No. 2251 (M/B) of 2020 for quashing of the First Information Report, wherein the Hon'ble Court had passed the orders/directions on 27.01.2020 and 27.02.2020 stating therein that till the next date of listing or till the filing of police report under Section-173 (2) Cr.P.C. whichever is earlier, the petitioner shall not be arrested. Copies of the orders dated 27.01.2020 and 27.02.2020 have been filed as Annexure No. 5 to this writ petition collectively.

13. He further submits that the petitioner had also filed an application/petition for review of the order dated 27.02.2020, however, the same was dismissed for want of prosecution vide order dated 05.08.2021. Copy of the order dated 05.08.2021 has been annexed as Annexure No. 6 to this writ petition.

14. He further submit that the Investigating Officer has not investigated the matter properly and fairly as neither he has collected the evidential material (documents) nor he has taken the statement of coaching holders as independent witnesses rather he submitted the false and fabricated charge-sheet No. 01/2020 on dated 19.02.2020.

15. He further submits that the petitioner filed a case under Section-482 Cr.P.C. bearing No. 1480/2022 before this Hon'ble Court against the summoning order dated 29.06.2021, however, the above noted case had been disposed of on vide order dated 01.04.2022, wherein the petitioner was permitted to appear before the concerned court within fifteen days from the date of order through counsel and move an application for discharge. He further submits that the petitioner has moved an application for discharge through counsel before the learned Additional Sessions Judge/Special Judge (Prevention of Corruption Act) Room No. 3, Lucknow, however, the same was rejected on dated 11.07.2022.

16. He further submits that the charges leveled against the petitioner is that for the session of 1998-1999 and session of 1999-2000, the false affidavits of candidates have been submitted before the U.P. Alpsankhayak Vitt Vikas Nigam Limited Lucknow and the petitioner had received an additional

amount of Rs. 87,535/- for the year of 1998-1999 and Rs. 85,735/- for the year of 1999-2000.

17. He further submits that the selection list of candidates was prepared by the Nigam and list of selected candidate was provided to the petitioner and in the selection list only name and their addresses were mentioned for identification but no other document was provided to the petitioner from the side of the Nigam. Thus, he submits that it cannot be ascertained by the petitioner whether the selected candidates and the candidates who were attending coaching were same. He further submits that even the photographs of the candidates and their original application and affidavits were consigned in the office of the Nigam and even the format of the affidavit was also prepared by the Nigam.

18. He further submits that as per agreement, the students had to provide their affidavits to the petitioner and on that very basis, the entry was allowed in the coaching institute of the petitioner and thereafter the petitioner was required to send the copy of the affidavits to the Nigam and the original copy of the affidavits were kept in the office of the Nigam, however, from time to time an officer of the Nigam used to visit at the coaching institute of the petitioner for physical verification of the students. Thus, he submits that the petitioner has no extra liability except to see the affidavits of the students as per list provided to him. He further submits that the petitioner has provided the education as per scheme of the U.P. Alpsankhayak Vitt Vikas Nigam Limited Lucknow to all the students as per the list send by the Nigam.

19. He further submits that it is crystal clear by the perusal of the inspection report dated 18.03.1999 that Attendance Register of coaching holders was inspected by the Divisional Officer of the Nigam and it was asked by the officer of Nigam from the students present in the class about their education and satisfaction about their coaching studies. Copy of the inspection report is annexed as Annexure No. 10 to this writ petition.

20. He further submits that if any of the affidavits of the students/coaching holders filed by the petitioner's institution was doubtful then the Nigam has to take immediate action against the petitioner in the running session of coaching. He further submits that even the petitioner sent the bill for the payments as per norms of the payment and with due process, bill along-with relevant documents were verified, approved and sanction was given, thus, how it is possible to receive excess/additional payments by the petitioner as the case set up by the Nigam is against the evidence on record.

21. He further submits that if any dispute regarding the additional payment arose then the U.P. Alpsankhayak Vitt Vikas Nigam Limited Lucknow ought to have initiated civil nature proceedings against the petitioner under the terms and conditions mentioned at serial no. 16 of the letter dated 11.09.1989.

22. He further submits that even the U.P. Alpsankhayak Vitt Vikas Nigam Limited Lucknow had not perused the letter dated 11.09.1998 and despite that condition, the petitioner had been falsely implicated in the instant case. Thus, he submits that in the aforesaid circumstances, the allegations regarding excess/additional payment by way of submitting false affidavits in the office of the Nigam is not made out against the petitioner.

23. He further submits that the petitioner has been falsely roped in this case by a conspiracy of the staff of the U.P. Alpsankhayak Vitt Vikas Nigam Limited Lucknow as the allegation contained in the F.I.R. are contractual dispute and the matter pertains to be civil dispute in nature. He further submits that the entire story as narrated in the FIR is totally false, fabricated and based on concocted story and also after much thought from bare perusal of the FIR, no criminal case under Sections 420, 467, 468, 471 IPC is made out against the petitioner.

24. Thus, he submits that the impugned order dated 11.07.2022 passed by learned Additional Session Judge/Special Judge (Prevention of Corruption Act) Room No. 3, Lucknow is totally erroneous and bad in the eyes of law as the entire proceeding initiated against the petitioner is the result of harassing to the petitioner in an ill manner. He further submits that no offence is made out against the petitioner.

25. On the other hand, learned A.G.A.-I for the State Opposite Parties submits that the present petition challenges the impugned order passed by the learned trial court in a case involving serious allegations under Sections 420, 467, 468 and 471 IPC, whereby the discharge application of the petitioner has been rejected and the petitioner has been summoned to face trial. The petitioner's challenge is predicated on claims of procedural impropriety and the lack of a prima facie case. The trial court exercised its jurisdiction correctly and in accordance with the law. The impugned order was issued after a thorough examination of the F.I.R. and the supporting materials, which demonstrated that there was sufficient ground to proceed with the case.

26. In light of the aforementioned points learned A.G.A.-I for the State Opposite Parties submits that the petition challenging the impugned order lacks merit. The trial court's decision was well within its jurisdiction and based on proper legal grounds. Thus, he submits that the petition should be

dismissed and the impugned order, whereby the discharge application of the petitioner has been rejected and the petitioner has been summoned to face trial, should be upheld.

27. After considering the entire facts and circumstances of the case as well as after considering the arguments as advanced by learned counsel for the parties, this Court finds that there is delay of about 12 years in filing the FIR without prior notice to the petitioner that undermines procedural fairness. Such delays prevent the petitioner from addressing the allegations in a timely manner. Procedural fairness is a cornerstone of the legal system, encompassing the right of an accused to be informed of allegations and to have an opportunity to respond. Delays in the legal process can undermine these principles by impeding the petitioner's ability to mount an effective defence and compromising the integrity of the investigation.

28. This Court further observes that a delay of over a decade hinders the petitioner's ability to gather evidence and present a defence. As emphasized in the Hon'ble Supreme Court's decision in **K.K. Verma v. Union of India [(1987) 2 SCC 574]**, the Court highlighted that undue delays in initiating legal proceedings could prejudice the accused's ability to defend themselves effectively due to the deterioration of evidence and fading memories of witnesses.

29. Further, the Hon'ble Supreme Court of India in the case of **M.C. Abraham & Anr. v. State of Maharashtra [(2003) 2 SCC 649]** held that delays in investigation can lead to a situation where critical evidence is lost, thus, undermining the fairness of the process. The delay in this case similarly affects the integrity of the investigation, casting doubt on the credibility of the evidence and procedural fairness.

30. Delays prevent the accused from addressing allegations in a timely manner, as observed in **State of Haryana v. Bhajan Lal [(1992) Supp. (1) SCC 335]**. The Court acknowledged that substantial delays in lodging an FIR and initiating proceedings can prejudice the accused, leading to the quashing of proceedings if it impacts their ability to mount a defence.

31. The lack of prior notice deprives the petitioner of an opportunity to respond to allegations before formal charges are laid. In **P. Nallammal v. State of Tamil Nadu [(2009) 9 SCC 674]**, the Hon'ble Supreme Court of India emphasized that procedural fairness requires the accused to be notified of allegations to address them adequately. The absence of notice exacerbates the unfairness of the delay.

32. The element of surprise in criminal proceedings can severely disadvantage the accused. The Hon'ble Supreme Court of India in **Ravi Kumar v. Union of India [(1999) 8 SCC 172]** held that procedural fairness necessitates informing the accused of allegations to avoid surprises that can hinder their defence.

33. Judicial precedents affirm the importance of timely legal action. In **State of U.P. v. K.K. Verma [(1987) 2 SCC 574]**, the Hon'ble Supreme Court of India noted that delays in lodging FIR could lead to the dismissal of the case if the delay prejudices the accused.

34. In light of the Supreme Court judgments and the principles established therein, the delay of over 12 years in registering the FIR and the absence of prior notice to the petitioner have significantly compromised procedural fairness. Such delays undermine the accused's ability to mount a defence and affect the integrity of the investigation, violating the principles of justice.

35. The petitioner has presented valid concerns regarding the inadequacy of the investigation. Essential documents and witnesses testimonies were not properly considered, compromising the integrity of the case.

36. A thorough and fair investigation is fundamental to ensuring justice. The Supreme Court has consistently held that investigations must be conducted with due diligence, ensuring that all relevant evidence and testimonies are considered. Failure to conduct a comprehensive investigation can invalidate proceedings and violate the rights of the accused.

37. The Hon'ble Supreme Court of India in **Narmada Bachao Andolan v. State of Madhya Pradesh [(2011) 7 SCC 639]** emphasized that an investigation must be thorough and cover all relevant aspects to ensure justice. The failure to gather essential documents and testimonies, as alleged by the petitioner, is indicative of an incomplete investigation. Such omissions can significantly impact the case's outcome and fairness.

38. In **Ranjit Singh v. State of Punjab [(1998) 3 SCC 217]**, the Hon'ble Supreme Court of India highlighted that the inadequacy of investigation, including the failure to properly consider key evidence, undermines the integrity of the legal process. In this case, essential documents and testimonies were not adequately reviewed, compromising the fairness and reliability of the case.

39. The Hon'ble Supreme Court of India in the case of **M.C. Abraham & Anr. v. State of Maharashtra [Supra]** observed that procedural errors and

lapses in the investigation process could lead to quashing of proceedings if they affect the fairness of the trial. The petitioner's concerns about the neglect of vital documents and witnesses testimonies reflect significant procedural flaws that can affect the outcome of the case.

40. The Hon'ble Supreme Court of India in the case of **State of U.P. v. C.K. Nair [(2000) 6 SCC 357]** reiterated that a fair investigation is crucial for upholding justice. Investigations must be conducted with diligence to ensure that all relevant evidence is considered. The lack of proper documentation and testimony consideration in this case mirrors the inadequacy condemned by the Court in similar cases.

41. The Hon'ble Supreme Court of India in the case of **State of Maharashtra v. Sayyed Hasan [(2012) 2 SCC 565]** underscored that investigation must be thorough and transparent and any failure to include essential evidence and witnesses statements can lead to miscarriage of justice. The petitioner's claims align with this principle, reflecting a significant shortcoming in the investigation.

42. The inadequacy of the investigation, characterized by the failure to collect and consider essential documents and witnesses testimonies, compromises the integrity of the case. Judicial precedents consistently affirm that a thorough investigation is paramount to ensuring justice and fair proceedings. The lapses identified in the investigation process reflect a breach of these principles.

43. This Court is further of the view that the allegations primarily involve discrepancies related to contractual terms and payments, which are more appropriately handled through civil litigation rather than criminal prosecution.

44. The Hon'ble Supreme Court of India has consistently held that disputes arising from contractual terms and financial dealings typically fall within the realm of civil law, unless they involve specific criminal elements such as fraud, forgery, or misappropriation that are criminally actionable. A clear distinction must be made between civil disputes and criminal offences to ensure that criminal prosecution is not misused for matters best suited for civil adjudication.

45. The Hon'ble Supreme Court of India in the case of **Indian Oil Corporation Ltd. v. NEPC India Ltd. [(2006) 6 SCC 736]** was pleased to observe that disputes arising out of contractual terms and financial transactions are generally civil in nature and emphasized that criminal

prosecution should not be resorted to merely for breaches of contractual obligations unless accompanied by criminal intent or fraudulent actions.

46. The Hon'ble Supreme Court of India in the case of **J. K. Industries Ltd. v. Chief Inspector of Factories [(2007) 6 SCC 198]** highlighted that matters involving breach of contract or non-fulfillment of financial obligations are primarily civil issues. Criminal charges can only be maintained if there is evidence of criminal intent or fraudulent behavior underlying the contractual dispute.

47. The Hon'ble Supreme Court of India in the case of **M/s. A.C.C. Ltd. v. State of Maharashtra [(2000) 2 SCC 56]** emphasized that criminal prosecution should be pursued only when there is a clear indication of criminal conduct such as fraud or forgery. Mere contractual disputes or financial disagreements do not generally warrant criminal action.

48. In the present case, the allegations primarily concern discrepancies regarding the payment amounts and contractual obligations as per the scheme provided by U.P. Alpsankhayak Vitt Vikas Nigam Limited. Such issues are fundamentally contractual and involve interpretation of terms and calculations rather than criminal activities.

49. The petitioner's concerns about payment discrepancies, as outlined in the contractual terms and financial transactions, align with issues typically resolved through civil litigation. The appropriate legal recourse for resolving such disputes is through civil suits for recovery or damages rather than criminal prosecution.

50. The allegations do not indicate criminal intent, fraud, or forgery. They predominantly address issues related to financial transactions and contractual compliance, which are not inherently criminal. The case lacks elements of deceit or fraudulent behavior necessary for criminal charges. Given that the primary allegations relate to discrepancies in contractual payments and terms, which are civil in nature, it is inappropriate to pursue criminal prosecution in this context. Thus, such disputes should be addressed through civil mechanisms rather than criminal proceedings.

51. Further, this Court also observes that the trial court's decision to proceed with criminal charges seems premature and misaligned with the principles of justice.

52. The Hon'ble Supreme Court of India in the case **State of Bihar v. P.P. Sharma [(1991) 3 SCC 16]**, highlighted that an inadequate or incomplete

investigation can lead to a miscarriage of justice. If essential material and testimonies are not properly considered, it can result in the trial being unjust and, consequently, proceedings may be quashed.

53. The Hon'ble Supreme Court of India in the case of **Lalankumar Singh and Others vs. State of Maharashtra** reported in **2022 SCC Online SC 1383** has specifically held in paragraph No.38 that the order of issuance of process is not an empty formality. The Magistrate is required to apply his mind as to whether sufficient ground for proceeding exists in the case or not. Paragraph No.38 of **Lalankumar Singh and Others (supra)** is being quoted hereunder:-

"38. The order of issuance of process is not an empty formality. The Magistrate is required to apply his mind as to whether sufficient ground for proceeding exists in the case or not. The formation of such an opinion is required to be stated in the order itself. The order is liable to be set aside if no reasons are given therein while coming to the conclusion that there is a prima facie case against the accused. No doubt, that the order need not contain detailed reasons. A reference in this respect could be made to the judgment of this Court in the case of Sunil Bharti Mittal v. Central Bureau of Investigation, which reads thus:

"51. On the other hand, Section 204 of the Code deals with the issue of process, if in the opinion of the Magistrate taking cognizance of an offence, there is sufficient ground for proceeding. This section relates to commencement of a criminal proceeding. If the Magistrate taking cognizance of a case (it may be the Magistrate receiving the complaint or to whom it has been transferred under Section 192), upon a consideration of the materials before him (i.e. the complaint, examination of the complainant and his witnesses, if present, or report of inquiry, if any), thinks that there is a prima facie case for proceeding in respect of an offence, he shall issue process against the accused.

52. A wide discretion has been given as to grant or refusal of process and it must be judicially exercised. A person ought not to be dragged into court merely because a complaint has been filed. If a prima facie case has been made out, the Magistrate ought to issue process and it cannot be refused merely because he thinks that it is unlikely to result in a conviction.

53. However, the words "sufficient ground for proceeding" appearing in Section 204 are of immense importance. It is these words which amply suggest that an opinion is to be formed only after due application of mind that there is sufficient basis for proceeding against the said accused and formation of such an opinion is to be stated in the order itself. The order is liable to be set aside if no reason is given therein while coming to the conclusion that there is prima facie case against the accused, though the order need not contain detailed reasons. A fortiori,

the order would be bad in law if the reason given turns out to be ex facie incorrect."

54. Further, the Hon'ble Supreme Court of India has provided guidelines in case of State of **Haryana Vs. Bhajan Lal (Supra)** for the exercise of power under Section 482 Cr.P.C. which is extraordinary power and used separately in following conditions:-

"102.(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused."

(2) where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code;

(3) where the uncontroverted allegations made in the FIR or 'complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused;

(4) where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code;

(5) where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused;

(6) where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party;

(7) where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."

55. Further the Apex Court has also laid down the guidelines where the criminal proceedings could be interfered and quashed in exercise of its power by the High Court in the following cases:- **(i) R.P. Kapoor Vs. State of Punjab, AIR 1960 S.C. 866, (ii) State of Bihar Vs. P.P. Sharma, 1992 SCC (Crl.)192, (iii) Zandu Pharmaceutical Works Ltd. Vs. Mohd. Saraful Haq**

and another, (Para-10) 2005 SCC (Cri.) 283 and (iv) Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra, AIR 2021 SC 1918.

56. In **S.W. Palankattkar & others Vs. State of Bihar, 2002 (44) ACC 168**, it has been held by the Hon'ble Apex Court that quashing of the criminal proceedings is an exception than a rule. The inherent powers of the High Court itself envisages three circumstances under which the inherent jurisdiction may be exercised:-(i) to give effect an order under the Code, (ii) to prevent abuse of the process of the court ; (iii) to otherwise secure the ends of justice. The power of High Court is very wide but should be exercised very cautiously to do real and substantial justice for which the court alone exists.

57. In **M/s Pepsi Food Ltd. and another Vs. Special Judicial Magistrate and others: 1998 (5) SCC 749**, Hon'ble Apex Court has observed:

"Summoning of an accused in a criminal case, is a serious matter. Criminal law can not be set into motion as a matter of course. It is not that the complainant has to bring only two witnesses to support his allegations in the complaint to have the criminal law set into motion. The order of the Magistrate summoning the accused must reflect that he has applied his mind to the facts of the case and the law applicable thereto. He has to examine the nature of allegations made in the complaint and the evidence both oral and documentary in support thereof and would that be sufficient for the complainant to succeed in bringing charge home to the accused. It is not that the Magistrate is a silent spectator at the time of recording of preliminary evidence before summoning the accused. Magistrate had to carefully scrutinize the evidence brought on record and may even himself put questions to the complainant and his witnesses to elicit answers to find out the truthfulness of the allegations or otherwise and then examine if any offence is prima facie committed by all or any of the accused."

58. In the instant case, there is nothing in the impugned order to show that the Magistrate concerned perused the material available on record before passing the impugned order. Hence the impugned order, whereby the discharge application of the petitioner is rejected and the petitioner has been summoned to face trial, is bad in the eyes of law and resultantly it is not sustainable.

59. Thus, in view of the law laid down by the Hon'ble Apex Court and the facts and circumstances, as narrated above and also with the assistance of the aforesaid guidelines and keeping in view the nature and gravity and the severity of the offence, it deems proper and to meet the ends of justice that the proceeding of the aforementioned case be quashed

60. Accordingly, the present petition stands **allowed**. Keeping in view the law laid down by the Hon'ble Apex Court in the above referred judgment and the observations made above, the **entire proceedings** of Criminal Case No.661/2021, Case Crime No.500/2013, under Sections 420, 467, 468 and 471 I.P.C., Police Station Hazratganj, District Lucknow as well as the impugned order dated 11.07.2022 passed by Additional Sessions Judge / Special Judge (Prevention of Corruption Act), Lucknow (Room No.3) are hereby **quashed** so far as it relates to the instant petitioner.

61. Office is directed to transmit a copy of this order to the learned trial court concerned immediately.

Order Date :- 12.08.2024

Saurabh

(Shamim Ahmed,J.)