



2026:AHC:23859

**HIGH COURT OF JUDICATURE AT ALLAHABAD
MATTERS UNDER ARTICLE 227 No. - 10261 of 2025**

Ashish

.....Petitioner(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Petitioner(s)	:	Abhimanu Singh, Hari Om Pandey
Counsel for Respondent(s)	:	G.A.

Court No. - 89

HON'BLE DIVESH CHANDRA SAMANT, J.

1. Heard learned counsel for the petitioner as well as learned AGA for the State are present.

2. Instant petition under Article 227 of the Constitution of India has been preferred by the petitioner with the following prayer:-

"Issue direction in the nature of certiorari quashing the impugned order of charge frame dated 18.12.2023 passed by Chief Judicial Magistrate, Muzaffarnagar and impugned order dated 24.07.2025 as well as suo-moto order dated 24.07.2025 passed by learned Revisional Court passed in Criminal Case No. 14138 of 2017 (State Vs. Ashish) arising out of Case Crime No. 970 of 2017 under Section 174A I.P.C., Police Station-Khatauli, District-Muzaffarnagar."

3. Brief facts of the case are that an F.I.R. was lodged by Sub-Inspector Anand Poswal stating that the accused Ashish was absconding in Case Crime No. 448 of 2017 under Sections 313, 323, 506, and 498-A I.P.C. An order under Section 82 Cr.P.C. was issued by the learned C.J.M., Muzaffarnagar, on 17.07.2017 and duly served on 21.07.2017. Despite service, the accused failed to appear or surrender and attempted to dispose of his property, thereby committing an offence under Section 174-A I.P.C. Consequently, a charge-sheet was filed, cognizance was taken, and charges were framed on 18.12.2023. Aggrieved by the charge-framing order dated 18.12.2023, the petitioner preferred Criminal Revision No. 136 of 2025 (Ashish v. State of U.P.), which was dismissed by the learned court vide order dated 24.07.2025. A suo motu order dated 24.07.2025

was also passed against the petitioner. Hence, the present petition has been filed.

4. Learned counsel for the petitioner submitted that the order dated 18.12.2023 passed by the court below, whereby cognizance was taken and charge was framed against the petitioner is illegal, arbitrary, and perverse. It is submitted that the said order arises out of Case Crime No. 448 of 2017 under Sections 313, 323, 506, and 498-A I.P.C., which was lodged by the wife of the petitioner. During the pendency of the said proceedings, the marriage between the petitioner and his wife came to be dissolved by a decree of divorce by mutual consent vide order dated 23.05.2023 passed by the learned competent court.

5. It is further submitted that the petitioner has already been acquitted by the learned trial court in Sessions Trial No. 316 of 2018 arising out of Case Crime No. 448 of 2017 under Sections 313, 323, 506, and 498-A I.P.C. vide judgment and order dated 15.04.2022. Since the petitioner has been acquitted in the main case, the continuation of further criminal proceedings, including the F.I.R. registered under Section 174-A I.P.C., is unnecessary, unjustified, and not sustainable in law.

6. It is also submitted that the Criminal Revision filed by the petitioner against the charge-framing order dated 18.12.2023 was dismissed by the learned revisional court without properly considering the pleadings, facts, circumstances, and material available on record. The revisional court did not apply its judicial mind hence the revisional order is illegal and unsustainable in law. In these circumstances, the impugned orders deserve to be set aside, as the continuation of the criminal proceedings against the petitioner amounts to an abuse of the process of law.

7. Per contra, learned A.G.A. for the State vehemently opposed the submissions advanced on behalf of the petitioner and submitted that the court below, after due consideration of the material available on record and proper appreciation of the evidence collected during investigation, has rightly rejected the revision preferred by the petitioner. It is further submitted that the impugned orders does not suffer from any illegality, perversity, or infirmity warranting interference by this Court in exercise

of its supervisory jurisdiction under Article 227 of the Constitution of India.

8. I have heard the rival submissions advanced on behalf of the parties and perused the material brought on record.

9. A perusal of the material available on record reveals that an F.I.R. bearing case crime No. 970 of 2017, which is the basis of current prosecution, was lodged by opposite party No.2 on 17.09.2017, and charges were framed on 18.12.2023. Against the charge frame order dated 18.12.2023, the petitioner preferred a revision before the court below which was dismissed vide order dated 24.07.2025. The F.I.R. dated 17.09.2017 was lodged by opposite party No.2 on the ground that petitioner has been continuously absconding and wanted in connection with the Case Crime No. 448 of 2017 under Section 313, 323, 506, 498A I.P.C. and proceeding under Section 82 Cr.P.C. were initiated against the accused and notices were served on petitioner's address, however, the petitioner neither surrendered nor he was arrested. Consequently, charge-sheet was framed against the petitioner on 18.12.2023 under Section 174A I.P.C. and the case was committed to court of Sessions with Sessions Trial No. 14138 of 2009. During the pendency of the said proceeding, the petitioner was acquitted of the charges in case crime No. 448 of 2017.

10. The principal submission of the petitioner is that the case under Section 174-A I.P.C. should not continue because he has already been acquitted in the main criminal case (Case Crime No. 448 of 2017). It is submitted that the proceedings under Section 174-A I.P.C. were started only because he was alleged to be absconding in that main case. Now that he has been found not guilty in the main case, continuing the proceedings under Section 174-A I.P.C. would be unfair and would amount to misuse of the legal process.

11. From the material brought on record, it transpires that the F.I.R. giving rise to the present prosecution under Section 174-A I.P.C. was lodged on the ground that the petitioner was absconding in Case Crime No. 448 of 2017 and that proclamation proceedings under Section 82

Cr.P.C. had been initiated against him. It is not disputed that subsequently the petitioner has been acquitted in the said sessions trial vide judgment and order dated 15.04.2022.

12. It appears that the charge was framed on 18.12.2023 without properly considering that the petitioner had already been acquitted in the main case prior to that date, and the revisional court, while dismissing Criminal Revision No. 136 of 2025, also failed to consider the legal effect of such acquittal and its impact on the continuation of proceedings under Section 174-A IPC.

13. The Hon'ble Supreme Court in the case of ***Daljit Singh v. State of Haryana & Anr., 2025 Lawsuit (SC) 17***, on the basis that in the main case a compromise had been effected and there is no case for which the presence of the accused is required, quashed all the proceeding by observing as under :

"10. None has disputed the above or brought to the attention of this Court such a fact that the said arrangement has not been complied with.

11. The Appellant has been acquitted which means that there is no case for which his presence is required to be secured. Resultantly, the appeal is allowed. In the attending facts and circumstances of the case, i.e. that the original offence pertains to the year 2010; the money subject matter of dispute stands paid, the judgment of the High Court with the particulars as mentioned in paragraph 1 of this judgment, stands quashed and set aside. All criminal proceedings, inclusive of the FIR under Section 174A IPC, shall stand closed. The Appellant's status, as a 'proclaimed person' stands quashed.

Pending Application(s) if any, stand disposed of."

14. In the present case, the petitioner has already been acquitted in Case Crime No. 448 of 2017, and therefore there is no need to secure his attendance in those proceedings. As a result, the very basis for initiating proceedings under Section 174-A IPC no longer exists, and in light of the law laid down by the Hon'ble Supreme Court, continuing the impugned proceedings would amount to an abuse of the process of law.

15. In view of the foregoing discussion and the law laid down by the Hon'ble Supreme Court in ***Diljit Singh (supra)***, this Court, in exercise of its supervisory jurisdiction under Article 227 of the Constitution of India, finds it appropriate to interfere with the impugned order dated 18.12.2023 framing charge as well as the revisional order dated 24.07.2025, both of which are legally unsustainable and liable to be set aside

16. Accordingly, the petition is **allowed**.

17. The order dated 18.12.2023 passed by the court below framing charge under Section 174-A I.P.C. as well as the revisional order dated 24.07.2025 passed in Criminal Revision No. 136 of 2025 are hereby set aside and all the criminal proceeding arising out of F.I.R. bearing case crime No. 970 of 2017 under Section 174A I.P.C., Police Station-Khatauli, District-Muzaffarnagar shall stand quashed.

(Divesh Chandra Samant,J.)

February 4, 2026

Karan