2026:AHC:230650

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 48032 of 2026

Harkesh @ Harkesh Kumar Sharma

.....Applicant(s)

Versus

State Of U.P. And 2 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Shishir Kumar Tiwari
Counsel for Opposite Party(s)	:	G.A., Jai Prakash Pandey, Manish Trivedi

Court No. - 76

HON'BLE SAURABH SRIVASTAVA, J.

1. Heard learned counsel for applicant, Sri Jai Prakash Pandey, learned counsel for respondent no. 3/Ghaziabad Urban Cooperative Bank Ltd. Ghaziabad and learned AGA for State.

2. Present application has been filed with prayer to quash charge sheet dated 11.02.2006, summoning order dated 21.2.2006 along with entire proceeding of Case no. 97 of 2026 (State of U.P. vs. Mool Chand Sharma and others) arising out of Case Crime no. 10 of 2004, under sections 409, 420, 467, 468, 471, 120B IPC, Police Station- Pilkhuwa, District Hapur, pending before learned court of Civil Judge (SD) 1st, Hapur.

3. At the very outset, learned counsel for applicant submitted that similar controversy has already been settled by this Court in case of **Harkesh @ Harkesh Kumar Sharma vs. State of U.P. and another** decided vide order dated 7.9.2026 passed in **Application u/s 528 BNSS no. 30314 of 2026** and the case of applicant(s) is fully covered with the said case, hence parity of the order dated 7.9.2026 be extended in favour of applicant(s) also.

4. For ready reference order dated 7.9.2026 passed by this Court in **Application u/s 528 BNSS no. 30314 of 2026 (Harkesh @ Harkesh Kumar Sharma vs. State of U.P. and another)** is reproduced hereinbelow:

> "1. Sri Jai Prakash Pandey, learned counsel has put in appearance on behalf of opposite party No.2 by filing his Vakalatnama, and he also file short counter affidavit which are taken on record.

2. Heard learned counsel for the applicant, Shri Devesh Pandey holding brief of Sri J.P. Pandey, learned counsel for the respondent no.2-Bank, learned A.G.A. for the State of U.P. and perused the record.

3. The present application has been filed to quash the entire proceedings of Case No.4943 of 2025 (State of U.P. Vs. Manoj Kumar and others), pending in the court of Civil Judge (Senior Division)/ ACJM 6th, Ghaziabad arising out of Case Crime No.67 of 2005 as well as chargesheet dated 11.02.2006 as well as summoning order dated 22.02.2006, under Sections 409,420, 467, 468, 471, 120-B I.P.C., Police Station- Kotwali, District- Ghaziabad.

4. From a perusal of record, it transpires that on 02.02.2005 an FIR bearing FIR/Case Crime No.67 of 2005 has been lodged against the applicant by opposite party no.2 for the offence punishable under Sections 409, 420, 467, 468, 471, 120B I.P.C. at Police Station -Kotwali, District-Ghaziabad. As per allegations in the FIR, the accused in collusion with bank officials and with the help of forged documents, opened the accounts and fraudulently made the bank to lend money to borrowers; a willful default of payment of the same, resulting in huge monetary loss to the bank.

5. It has been submitted by learned counsel for the applicant that the respondent-Bank acting bonafidely and with intention of getting the correct facts of the controversy, instituted an enquiry in the matter vide an enquiry committee comprising of the then Manager (Law) and the then Manager (Head Quarter) and the said Committee vide its report dated 27.09.2010 submitted a detailed report before the then Secretary, Ghaziabad Urban Cooperative Bank Ltd., copy of which is annexed as Annexure No.4 to the affidavit. The Administrative Committee on the aforesaid report, passed a resolution regarding formal proposal for compounding the matter in terms of inquiry report, copy of which is annexed as Annexure No.5 to the application. An application dated 15.2.2011 was filed on behalf of respondent-Bank before the Court of Additional Chief Judicial Magistrate-IIIrd, Meerut under Section 320 of Cr.P.C. seeking compounding of the matter. It is further submitted that the applicant have already repaid the entire dues against the firm on 03.04.2013 and accordingly, the loan stands fully repaid, as such, indulgence of this Court is required in the matter.

6. Learned counsel for the respondent-Bank does not dispute the correctness of the aforesaid facts and admits that the entire loan amount has been repaid.

> 7. Considering the aforesaid as also the submissions made by learned counsel for the parties, this Court is of the view that since the loan amount has already been repaid, the present application is liable to be allowed as chances of ultimate conviction are extremely bleak and hence, no useful purpose would be served by allowing the criminal proceedings to continue. Accordingly, present application is allowed. Consequently, the entire proceedings arising out of Case Crime No.67/2005, mentioned above, are hereby quashed qua the applicant.
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> 8. Office/Registry is directed to send the copy of this order to the court concerned through email/fax for necessary compliance."

5. Learned counsel for respondent-Bank does not dispute the correctness of the aforesaid facts and admits that since entire loan amount has already been repaid there is no objection if parity of aforesaid order dated 7.9.2026 passed by this Court in case of **Harkesh (supra)** be extended in case of applicant(s) herein and impugned criminal proceeding initiated against him be quashed and set aside.

6. Considering the aforesaid submissions made by learned counsel for the parties, this Court is of the view that since the loan amount has already been repaid, the present application is liable to be allowed in the light of order dated 7.9.2026 passed by this Court in case of **Harkesh (supra)** and as such entire proceeding of Case no. 97 of 2026 (State of U.P. vs. Mool Chand Sharma and others) arising out of Case Crime no. 10 of 2004, under sections 409, 420, 467, 468, 471, 120B IPC, Police Station- Pilkhuwa, District Hapur, pending before learned court of Civil Judge (SD) 1st, Hapur, are hereby **quashed in respect of applicant(s) herein**.

7. Accordingly, the present application is **allowed**.

8. Office/Registry is directed to send the copy of this order to the court concerned through email/fax for necessary compliance.

November 2, 2026
Saif

(Saurabh Srivastava,J.)

Digitally signed by :-
SHAIKH SAIF ABDIN
High Court of Judicature at Allahabad