
(2010) 08 AHC CK 0457

In the Allahabad High Court

Case No : Criminal Miscellaneous Application No. 22969 of 2010

Renu

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision : 11-08-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 156(3)
Penal Code, 1860 (IPC) — Section 418, 420, 467, 468, 471

Citation : (2011) 3 ACR 2684

Hon'ble Judges : Vinod Prasad, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Vinod Prasad, J.—This is an application by the informant Smt. Renu. On the basis of her application u/s 156(3), Cr. P.C. which was registered as Misc. Application No. 1149 of 2009, a case was registered bearing Crime No. 142A of 2007 under Sections 418, 420, 467, 468, 471, 481, 482, I.P.C. at Police Station -Sadar Bazar. District-Saharanpur. After due investigation charge-sheet was submitted against the accused persons Satish Kumar, Smt. Omna, Ashok Kumar. Dilshad. Chandrapal Singh and Sumer Chand. On the basis of the said charge-sheet Case No. 7421 of 2007 was registered in the court of Chief Judicial Magistrate on 29.9.2007.

2. The dispute between the parties is regarding possession and entitlement of property. It is mentioned that Renu is the wedded wife of Satish Kumar, accused No. 1, Satish Kumar, is her Jeth and Smt. Omna is her Nanad. The accused No. 3. Ashok Kumar, advocate, is alleged to have fabricated the Will. Rajesh Kumar Gupta, another advocate, accused No. 7, has verified that Will.

3. After investigation and filing of charge-sheet, it seems, the parties entered into a compromise. Smt. Renu, therefore, moved an application before the Chief Judicial Magistrate in the concerned Case No. 7421 of 2007 for dropping of the proceedings and withdrawal of prosecution. The prayer of the informant was

rejected by order dated 13.5.2010. Hence this Criminal Misc. Application by informant herself.

4. I have heard learned counsel for the applicant as well as Smt. Renu who is also present in person and learned A.G.A.

5. Informant-applicant made a categorical statement that she has got the property and does not want to litigate and prosecute the accused in the aforesaid case.

6. Primarily the dispute is regarding entitlement of property and it will not be in the interest of justice to allow the proceedings to go further against the wishes of the litigating parties who stand in close relationships. They have compromised the matter and the interest of justice requires that they should be allowed to live their own lives without subjecting them to the arduous procedure of criminal trial.

7. Without entering into the merit of the matter, this Court in exercise of inherent power allow this Criminal Misc. Application and quash prosecution of Case No. 7421 of 2007. State v. Satish Kumar and others, pending before the Chief Judicial Magistrate. District-Saharanpur.

8. This application is allowed as above.