

Court No. - 12

Case :- APPLICATION U/S 482 No. - 171 of 2025

Applicant :- Madhukar Sharma

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

Counsel for Applicant :- Anshul Verma

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

Heard Shri Ali Bin Saif assisted by Shri Kaif Hasan, Advocate(s), learned counsel appearing for the applicant and Dr. V.K. Singh, learned Government Advocate for State-opposite party.

Instant application has been filed seeking following main relief:

"to quash the impugned report under sec. 173(2) Cr.P.C. i.e. Charge-sheet and summoning order dated: 11.02.1994 passed by the Learned Court of ACJM, Lucknow as well as entire proceedings in Case no.1214/1994 vide F.I.R. no. 151/1991 under Sec. 147, 353, 452, 427 of I.P.C & Section 7 of Criminal Law Amendment and Section 2 Damage Property Act, Police Station Hazratganj, Dist. Lucknow in the interest of justice the Applicant shall suffer irreparable loss and injury."

Considering the facts, as indicated in the present application, particularly the facts related to the delay attributed upon the State/prosecution in conclusion of criminal proceedings, which were initiated in the year 1991, as also that the criminal case in issue relates to the offence(s) for which maximum punishment can be awarded up to seven years and fine, and also the observations made by this Court at Allahabad, based upon the judgments of the Hon'ble Apex Court, in the case of **Madan Mohan Saxena Vs. State of U.P. and Others**, reported in **2023 SCC OnLine All 24 : (2023) 3 All LJ 7** and Hon'ble Apex court in the case of **Sunil Kumar Vs. State of U.P. and Another, 2023 INSC 668**, this Court finds that the indulgence in the matter is required.

Let the personal affidavit(s) in response to the present application be filed by Director General (Prosecution), Uttar Pradesh, Lucknow and Additional Chief Secretary, Department of Home, Uttar Pradesh, Lucknow within two weeks from today.

In the affidavit(s), the concerned authorities shall also indicate regarding litigation policy of State of Uttar Pradesh including related to cases similar to present one.

List/put up this case on ***30.01.2025, as fresh, on the top of the board.***

As an interim measure, it is provided that till the next date of listing, the proceedings in issue qua the applicant shall remain stayed.

Dr. V. K. Singh, learned Government Advocate shall communicate this order to the concerned authorities forthwith.

Order Date :- 10.1.2025

Mohit Singh/-