

Court No. - 69

Case :- APPLICATION U/S 482 No. - 2035 of 2023

Applicant :- Vishal Gangwar And 2 Others

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Lavkush Kumar Bhatt

Counsel for Opposite Party :- G.A.,Gopal Das
Srivastava,Surendra Kumar

Hon'ble Samit Gopal,J.

1. List revised.
2. Heard Sri Kamal Kishor Mishra, learned counsel for the applicants, Sri Gopal Das Srivastava, learned counsel for the opposite party no.2, Sri Ajay Singh, learned A.G.A-1 for the State and perused the records.
3. Sri Kamal Kishor Mishra, learned counsel for the applicants submits that he has filed his vakalatnama in the office on 11.07.2023. The same is not on record.
4. Office to trace out the same and place it on record and make a note in the order sheet.
5. The present application under Section 482 Cr.P.C. has been filed by the applicants Vishal Gangwar, Aruna Gangwar and Ram Naresh with the prayer to allow the present application and quash the charge sheet dated 02.10.2022 as well as entire proceedings of Case No. 336 of 2022 (State Vs. Vishal Gangwar and others) bearing Case Crime No. 0217 of 2022, under Section 498-A, 323, 504, 506 IPC and Section 3/4 of D.P. Act, Police Station Fatehgarh Kotwali, District Farrukhabad, pending in the court of learned Judicial Magistrate, Fast Track Court No. 2, Farrukhabad and with the further prayer to stay the further proceedings of aforesaid case, during the pendency of present application.
6. The matter was referred to the Mediation Centre of this Court vide order dated 31.01.2023 for making an effort between the parties for settling their disputes amicably.
7. As per the office report dated 7.08.2023/25.10.2023, a report from the Mediation Centre of this Court is on record.

8. As per report of Mediation Centre dated 17.09.2023 the parties have entered into an interim settlement dated 20.08.2023 and have amicably settled their dispute and further agreed to withdraw the cases going on between them.

9. From perusal of the report of Mediation Centre of this Court, it appears that in pursuance of the said order the mediation proceedings were taken up which ended in a settlement dated 17.09.2023 between the parties and the Mediation succeeded. The parties have settled their grievances and even the dispute arising in the present matter. The parties have agreed to withdraw the cases going on between them, the said fact is mentioned in para 7-h of the said mediation report.

10. The law with regards to quashing of a case on the basis of settlement arrived between the parties, is well settled. The Apex Court in the cases of **(1) B.S. Joshi and others Vs. State of Haryana and another: (2003)4 SCC 675; (2) Nikhil Merchant Vs. Central Bureau of Investigation : (2008) 9 SCC 677; (3) Manoj Sharma Vs. State and others: (2008) 16 SCC 1; (4) Gian Singh Vs. State of Punjab: (2012) 10 SCC 303; (5) Shaifullah and others Vs. State of U.P. And another: 2013 (83) ACC 278 and (6) Parbatbhai Ahir@Parbatbhai @ Bhimsinbhai Karmur and others Vs. State of Gujarat and another: (2017) 9 SCC 641** has held that the cases in which the parties have settled their grievances can be quashed.

11. From perusal of the records and the law laid down by the Apex Court on the subject matter, the present case is a good case for exercising powers by this Court to quash the proceedings as prayed for by the applicant(s).

12. The present application is **allowed**.

13. The charge sheet dated 02.10.2022 as well as entire proceedings passed in the aforesaid case are hereby quashed.

Order Date :- 26.10.2023

M. ARIF

(Samit Gopal, J.)