

Court No. - 87

Case :- APPLICATION U/S 482 No. - 4507 of 2019

Applicant :- Manoj Tiwari

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

Counsel for Applicant :- Prem Shanker Mishra

Counsel for Opposite Party :- G.A., Digvijay Tiwari, Suresh Srivastava, Vijay Prakash Mishra

Hon'ble Neeraj Tiwari, J.

1. Heard learned counsel for the applicants, learned AGA for the State and Sri Digvijay Tiwari, learned counsel for the opposite party no.2.

2. Case was heard on 5.2.2019, Court has passed the following order:-

"Heard learned counsel for the applicant and learned Additional Government Advocate for the State/opposite party no.1 and perused the record with the assistance of learned counsel for the parties.

This application under Section 482 Cr.P.C. has been filed by the applicant with a prayer to quash the charge-sheet dated 17.10.2018, cognizance order dated 16.11.2018 and proceedings of case no. 26287 of 2018 arising out of case crime no. 268 of 2018, under Sections 420, 406, 504, 506 I.P.C., Police Station Civil Lines, District - Meerut pending in the court of Additional Chief Judicial Magistrate-IV, District-Meerut.

It is submitted that a compromise has been arrived at between the parties on account of intervention of their well-wishers. Now parties have no grievance against each other. They want to lead their life in peaceful manner. A copy whereof has been filed as Annexure- No.7. It is further contended that on account of compromise between the parties, further proceedings of the aforesaid case is liable to be quashed in the light of law laid down by the Apex Court in the case of Nikhil Merchant Vs. Central Bureau of Investigation and others JT 2008 SC 192, Gian Singh Vs. State of Punjab (2012) 10 SCC 303 and Narendra Singh and others Vs. State of Punjab and another 2014 (6) SCC 466.

Whether a compromise has taken place between the parties or not, can be best ascertained by the court below, where the proceedings are pending, after ensuring the presence of the parties before it.

Learned counsel for the parties undertake to ensure the presence of the parties concerned before the court below or any other transferee court, as the case may be, on 20.02.2019 and the court concerned, thereafter, shall ascertain the genuineness of the compromise after taking the view of the parties concerned. If the said compromise is verified, the same shall be made part of the record and report to that effect, will be prepared and the parties would be allowed to obtain certified copy thereof, so that they may file the

verification report before this Court.

Office is directed to send a copy of this order as well as the photocopy of the compromise annexed as Annexure No.7 through FAX to the court concerned within ten days.

List this case immediately after six weeks 13.03.2019 before the appropriate Bench.

Till the next date of listing, no coercive steps shall be taken against the applicant."

3. Pursuant to the order of this Court dated 5.2.2019, learned Additional Chief Judicial Magistrate, Meerut has submitted its report on 27.5.2022 verifying the compromise deed entered between the parties.

4. Sri Digvijay Tiwari, learned counsel for the opposite party no.2 has not disputed the aforesaid facts and also submitted that in case aforesaid proceeding is quashed, he would have no objection.

5. In view of above, the applicants and opposite party no. 2 do not want to pursue the case any further as stated by them. The matter has been mutually settled between the parties, therefore, no useful purpose would be served in proceeding with the matter further.

6. Thus in view of the well settled principle of law as laid down by the Hon'ble Apex Court in the matters of **Krishnappa & Ors. vs. State of Karnataka; 2021 0 Supreme(SC) 529, Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and Ors. vs. State of Gujarat and another; 2017 9 SCC 641, B.S. Joshi Vs. State of Haryana; 2003(4) SCC 675, Nikhil Merchant Vs. Central Burea of Investigation and another; (2008) 9 Supreme Court Cases 677, Gian Singh Vs. Stated of Punjab; (2012) 10 SCC 303 and Narinder Singh & others Vs. State of Punjab and another; (2014) Supreme Today 642**, charge-sheet dated 17.10.2018, cognizance order dated 16.11.2018 and proceedings of case no. 26287 of 2018 arising out of case crime no. 268 of 2018, under Sections 420, 406, 504, 506 I.P.C., Police Station Civil Lines, District - Meerut pending in the court of Additional Chief Judicial Magistrate-IV, District- Meerut are hereby quashed.

7. The present application is, accordingly **allowed**. No order as to costs.

Order Date :- 22.11.2023

Junaid