

Court No. - 69

Case :- APPLICATION U/S 482 No. - 4974 of 2023

Applicant :- Appu Verma @ Bullu And 6 Others

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

Counsel for Applicant :- Basant Kumar Upadhyay

Counsel for Opposite Party :- G.A., Ajai Kumar Singh Kushwaha

Hon'ble Samit Gopal,J.

1. List revised.
2. No one appears on behalf of the applicants to press this application under Section 482 Cr.P.C. Sri Ajay Singh, learned AGA-I for the State is present.
3. Sri Ajai Kumar Singh Kushwaha, learned counsel for the first informant/opposite party no.2 is not present even when the matter has been taken up in the revised list.
4. The present application under Section 482 Cr.P.C. has been filed by the applicants Appu Verma @ Bullu, Anjana Devi, Mukesh Verma, Ravi Verma, Geeta Devi, Deep Chand Verma and Ashok Verma with the prayer to allow the present application and quash the charge sheet No. 01 of 2021 dated 07.09.2021 and summoning order dated 14.10.2022 as well as entire proceedings of Case No. 216410 of 2022 (State Vs. Appu Verma @ Bullu and others) arising out of Case Crime No. 031 of 2021, U/s 498-A, 323, 504 IPC and 3/4 D.P. Act), P.S. Jansa, District Varanasi, pending in the court of Additional Civil Judge (Junior Division)-X Varanasi and with the further prayer to stay the further proceedings of aforesaid case, during the pendency of present application.
5. The matter was referred to the Mediation Centre of this Court vide order dated 15.02.2023 for making an effort between the parties for settling their disputes amicably.
6. As per report of Mediation Centre dated 27.09.2023 the parties have amicably settled their dispute and agreed to withdraw the cases going on between them in view of interim settlement agreement dated 16.08.2023.
7. As per the office report dated 26.10.2023 a report from the

Mediation Centre of this Court is on record.

8. 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 27.09.2023 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-f of the said mediation report.

9. 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.

10. 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).

11. The present application is allowed.

12. The charge sheet No. 01 of 2021 dated 07.09.2021 and summoning order dated 14.10.2022 as well as entire proceedings passed in the aforesaid case are hereby quashed.

13. Office is directed to communicate this order to the concerned court within two weeks from today.

Order Date :- 26.10.2023

M. ARIF

(Samit Gopal, J.)