

Court No. - 89

Case :- APPLICATION U/S 482 No. - 5968 of 2023

Applicant :- Sushil Gaba And Another

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

Counsel for Applicant :- Pawan Singh Pundir

Counsel for Opposite Party :- G.A., Adarsh Tiwari

Hon'ble Deepak Verma, J.

1. Heard learned counsel for the applicants, Sri Adarsh Tiwari, learned counsel for opposite party no.2 and learned A.G.A. for the State.

2. The present 482 Cr.P.C. application has been filed to quash the charge-sheet dated 10.09.2018 as well as entire proceedings of Case No.23368 of 2018 arising out of Case Crime No.362 of 2016 (State vs. Sushil Gaba & another), under Sections 420, 467, 468, 471, 406 & 120-B I.P.C., Police Station- Sadar Bazar, District- Saharanpur, pending in the court of Chief Judicial Magistrate, Saharanpur.

3. Learned counsel for the applicants has challenged the entire proceeding initiated against the applicants on account that applicants and opposite party no.2 have entered into compromise on 26.06.2019. Hon'ble Court by order dated 02.03.2023 directed the parties to produce certified copy of this order along-with fresh compromise application before the court concerned within three weeks from today and directed the trial court to verify the parties and compromise application in pursuance of the order passed by this Court dated 02.03.2023. Applicants and opposite party no.2 entered into fresh compromise on 10.03.2023 which is annexed with supplementary affidavit. Trial court in pursuance of order of this Court, verified the parties and compromise application and passed order on 10.03.2023. Learned counsel for the applicants submits that since parties have entered into compromise, therefore, no need to keep the proceeding pending against the applicants and in view of the Apex court judgment passed in various cases, the proceeding should be quashed.

4. Learned AGA and learned counsel for the opposite party no.2 could not dispute the aforesaid facts. Learned counsel for the opposite party no.2 has made no objection and submitted that parties have entered into compromise.

5. In view of the facts and circumstances of the case, 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**, the proceedings of the aforesaid case is hereby quashed.

7. Accordingly, the entire proceedings of Case No.23368 of 2018 arising out of Case Crime No.362 of 2016 (State vs. Sushil Gaba & another), under Sections 420, 467, 468, 471, 406 & 120-B I.P.C., Police Station- Sadar Bazar, District- Saharanpur, pending in the court of Chief Judicial Magistrate, Saharanpur is, hereby, quashed.

8. This application under Section 482 Cr.P.C is accordingly **allowed.**

Order Date :- 23.11.2023
SKD