

Court No. - 87

Case :- APPLICATION U/S 482 No. - 5808 of 2022

Applicant :- Asif

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

Counsel for Applicant :- Mohd. Mateen Khan, Mohd. Aslam Khan

Counsel for Opposite Party :- G.A.

Hon'ble Neeraj Tiwari, J.

1. Heard learned counsel for the applicant, learned AGA and Sri Ravi Shankar Yadav, learned counsel for opposite party no. 2.

2. The present 482 Cr.P.C. application has been filed to quash the charge sheet dated 17.12.2019, cognizance order dated 9.9.2021 as well as the entire proceedings of Criminal Case No. 1312 of 2019 of 2019 (State Vs.Shakeel Ahmad and others), arising out of Case Crime No. 702/2018, under Sections- 420, 467, 468, 471, 120B I.P.C., Police Station- Chandpur, District- Bijnor, pending in the court of Civil Judge (J.D.)/ Judicial Magistrate, Chandpur Bijnor.

3. Learned counsel for the applicant submitted that in connected Application U/S 482 No. 3478 of 2020, matter was referred for verification of compromise, which was verified vide order dated 20.5.2023, therefore, on the basis of same, the aforesaid application was allowed vide order dated 01.11.2023. He next submitted that applicant is a marginal witness, therefore, in light of order passed in connected Application U/S 482 No. 3478 of 2020, this present criminal proceeding may also be quashed.

5. Sri Ravi Shankar Yadav, learned counsel for the opposite party no.2 has not objected the aforesaid fact and submitted that in case proceedings is quashed, he would have no objection.

6. 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.

7. 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**

Bureau of Investigation and another; (2008) 9 Supreme Court Cases 677, Gian Singh Vs. State of Punjab; (2012) 10 SCC 303 and Narinder Singh & others Vs. State of Punjab and another; (2014) Supreme Court 642, the proceedings of the aforesaid case is hereby quashed.

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

Order Date :- 1.11.2023

Arvind