**Court No. - 88**

**Case :-** APPLICATION U/S 482 No. - 5620 of 2018

**Applicant :-** Atul Rai And Another
**Opposite Party :-** State of U.P. and Another
**Counsel for Applicant :-** Manish Dev,Manish Dev,Rahul Asthana
**Counsel for Opposite Party :-** G.A.,Piyush Kumar Srivastava

**Hon'ble Sanjay Kumar Singh,J.**

1-Heard learned counsel for the applicants, learned Additional Government Advocate for the State of U.P./opposite party No.1 and learned counsel for opposite party No. 2.

2-This application under Section 482 Cr.P.C. has been filed by the applicants with a prayer to quash the charge-sheet no. 346 of 2017 dated 10.09.2017 as well as proceedings of Special Trial No. 510 of 2017 *(State vs. Atul Rai and others)* arising out of case crime no. 1115 of 2015, under Sections 323, 452, 506, 504 I.P.C. and Section 3(1)X of SC/ST Act, Police Station Nawabad, District Jhansi pending in the Court of Special Judge, SC/ST Act, Jhansi.

3-It is submitted by learned counsel for the applicants that the opposite party no. 2 lodged a first information report on 27.11.2015 against the applicants for the alleged offence under Sections 452, 323, 504, 506 I.P.C. and Section 3(1)(X) of SC/ST Act, in which final report was submitted on 08.01.2016 against which opposite party no. 2 preferred a protest petition, which was allowed canceling the final report vide order dated 10.03.2017 and direction for further investigation was also made. Thereafter, charge-sheet against the applicants was submitted on 10.09.2017, on which the concerned court below took cognizance and summoned the applicants to face trial. In the year 2022, parties concerned have settled their dispute outside the Court and a compromise deed has been prepared and the same was filed on 29.10.2022 before the concerned court below. Vide order dated 12.04.2023, said compromise was directed to be

verified by the trial court and accordingly the compromise has been verified vide order dated 24.04.2023, a copy whereof has been filed as Annexure No. SA-1 to the supplementary affidavit dated 27.09.2023.

4-On the strength of aforesaid facts, it is submitted that on account of compromise arrived at between the parties concerned, all disputes between them have come to an end, therefore continuance of criminal proceedings pursuant to impugned charge-sheet against the applicants after compromise between them would be a futile exercise and the same is liable to be quashed by this Court.

5-Learned Additional Government Advocate as well as learned counsel appearing on behalf of opposite party No.2 do not dispute the aforesaid facts. Learned counsel for opposite party No. 2 has also submitted at the Bar that since the parties concerned have settled their dispute as mentioned above, therefore, opposite party No.2 has no grievance and has no objection if the Court quashes the impugned criminal proceedings against the applicants.

6-After having heard the arguments of learned counsel for the parties, I find that after compromise/settlement arrived at between the parties in the present case, the chance of ultimate conviction is bleak and therefore, no useful purpose is likely to be served by allowing a criminal prosecution against the applicants to continue, as the same would be futile exercise and a sheer wastage of precious time of the Court. The continuation of a criminal proceedings after compromise would cause oppression and prejudice to the parties concerned. If the parties concerned wants to bury the hatchet and are willing to move on in personal dispute on the basis of compromise, they may be allowed to compound the offences in terms of settlement, because in such circumstances the proceedings can hardly be taken to their logical culmination and, the prospect of conviction gets lost.

7-Considering the facts and circumstances of the case in the light of dictum and guidelines laid down by the Apex Court in the case of **Ramawatar vs State of Madhya Pradesh**, AIR 2021 Supreme Court 5228, this Court feels that this is a fit case, where this Court can exercise its inherent power to secure the end of justice. In the case in hand interest of justice would be met, if the prayer of parties is acceded to and the criminal proceedings and other litigation between the parties is brought to an end.

8-In view of the above, criminal proceedings of the aforesaid case against the applicants are hereby quashed.

9-The instant application under Section 482 Cr.P.C. is ***allowed*** in terms of compromise as mentioned above.

**Order Date :-** 30.10.2023
Saurabh

Digitally signed by :-
SAURABH KUMAR
High Court of Judicature at Allahabad