

**Court No. - 92**

**Case :-** APPLICATION U/S 482 No. - 5822 of 2022

**Applicant :-** Pushpendra Ganawar

**Opposite Party :-** State Of U.P And Another

**Counsel for Applicant :-** Shivesh Mishra

**Counsel for Opposite Party :-** G.A., Krishna Kumar Shukla

**Hon'ble Anish Kumar Gupta, J.**

1. Heard Shri Shivesh Mishra, learned counsel for the applicant, Shri Krishna Kumar Shukla, learned counsel for the opposite party no. 2 and Shri Pankaj Srivastava, learned A.G.A. for the State.

2. The instant application under section 482 Cr.P.C. has been filed seeking quashing of entire proceedings of Criminal Case No. 928 of 2021 (Old No. 671 of 2020) State of U.P. Vs. Pushpendra Gangawar under sections 323, 406, 506 I.P.C. arising out of Case Crime No. 340 of 2919 police station Fatehganj West District Bareilly pending before the Addl. Chief Judicial Magistrate, Court No. 5 Bareilly.

3. Learned counsel for the applicant submits that there was a dispute with regard to the payment of a Tractor Trolley which has been amicably settled between the parties out of court and all the payment has been received by the opposite party no. 2 and the Tractor Trolley has been handed over to the applicant and a compromise deed between the parties has also been executed on 2.12.2021. Vide order dated 11.3.2022 this Court had directed the parties to appear before the trial court for verification of the compromise arrived at between them. Learned counsel for the applicant and the opposite party no. 2 jointly state that in terms of the order dated 11.3.2022 passed by this court both the parties have appeared before the Magistrate and the Magistrate after recording the statements of the complainant/opposite party no. 2 as well as the applicant has verified the compromise entered into between the parties and a report dated 30.3.2022 has already been sent to this Court by the Addl. Chief Judicial Magistrate, Court No. 5, Bareilly, which is available on record. Therefore, learned counsel for the applicant as well as opposite party no. 2 have jointly prayed for quashing of the entire proceedings against the applicant in the aforesaid case.

4. Learned A.G.A. for the State could not dispute the factum of compromise entered into between the parties.

5. Since it was a dispute only with regard to payment of money for the Tractor Trolley, which has already been settled between the parties and the compromise has already been executed which has been duly verified by the trial court concerned, therefore, in the light of judgements of the Apex Court in the cases of *Gian Singh Vs. State of Punjab and another (2012) 10 SCC 303*, *Narinder Singh and others Vs. State of Punjab (2014) 6 SCC 466* and *Prabathbai Aahir alias Prabathbai Bhimsinghbhai Karmur and others Vs. State of Gujarat and another (2017) 9 SCC 641*, the entire proceedings in the aforesaid case is hereby quashed.

6. The application stands **allowed**.

**Order Date :- 23.11.2023**

o.k.