

**Court No. - 89**

**Case :-** APPLICATION U/S 482 No. - 2734 of 2013

**Applicant :-** Nek Mohammad And Others

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

**Counsel for Applicant :-** S.K. Mishra, Anil Kumar

**Counsel for Opposite Party :-** Govt. Advocate, Sunil Kumar Singh

**Hon'ble Deepak Verma, J.**

1. Heard learned counsel for the applicants, learned counsel for the opposite party no. 2 and learned AGA for the State.

2. The present 482 Cr.P.C. application has been filed to quash the entire criminal proceedings of Complaint Case No. 2423 of 2012 (Abdul Samad vs. Nek Mohammad & Others), under Sections 307, 323, 504, 506 IPC, Police Station- Sahawar, District- Kanshi Ram Nagar, pending in the court of learned Additional Chief Judicial Magistrate-Ist, Kanshi Ram Nagar.

3. Learned counsel for the applicants submits that allegation in the complaint is that the applicant no. 2 assaulted the complainant with country made pistol but somehow complainant escaped and thereafter, parties entered into a compromise and filed instant application that on account of compromise entered into between the parties dated 19.12.2022, the proceedings of instant complaint case may be quashed. He next submits that this Court vide order dated 07.04.2023 referred the matter to trial court for verification of the parties and compromise deed. The Civil Judge (S.D.), in pursuance of order passed by this Court submitted its report dated 03.05.2023 and from perusal of the same, it is evident that parties have been verified by their respective counsels and the compromise deed has also been verified.

4. Learned counsel for the applicants has submitted that applicants and opposite party no.2 have settled their dispute through compromise and as such opposite party no.2 does not wish to press the aforesaid case against the applicants. Opposite party no.2 is ready to withdraw the prosecution of the applicants and in view of the compromise, no fruitful purpose would be served if the prosecution is allowed to go on. He next submitted that it is a no injury case.

5. Learned counsel appearing for the opposite party no.2 does

not dispute the correctness of the submission made by learned counsel for the applicants and submitted that opposite party no. 2 has filed short-counter affidavit in which it has been stated that applicants have not committed any such offence as alleged against them and after filing of the instant complaint both the parties have felt their guilt and thereafter entered into compromise. He next submits that after compromise parties are living peacefully in the village and no dispute remains pending between them. As such, opposite party no. 2 has no objection, if the proceedings of the aforesaid case are quashed.

6. 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.

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 Bhimsinhhai 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 Today 642**, the proceedings of the aforesaid case should be quashed.

8. Accordingly, proceedings of Complaint Case No. 2423 of 2012 (Abdul Samad vs. Nek Mohammad & Others), under Sections 307, 323, 504, 506 IPC, Police Station- Sahawar, District- Kanshi Ram Nagar, pending in the court of learned Additional Chief Judicial Magistrate-Ist, Kanshi Ram Nagar, is hereby quashed.

9. This application under Section 482 CrPC is, accordingly, **allowed.**

**Order Date :- 5.12.2023**

Aditya