

Court No. - 87

Case :- APPLICATION U/S 482 No. - 8768 of 2020

Applicant :- Raju @ Rajesh Rajpoot And Another

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

Counsel for Applicant :- Nihar Ranjan Singh

Counsel for Opposite Party :- G.A., Prashant Shukla

Hon'ble Neeraj Tiwari, J.

1. Supplementary affidavit filed on behalf of the applicant is taken on record.

2. Heard learned counsel for the applicants, learned A.G.A. for the State and Sri Prashant Shukla, learned counsel for the opposite party No.2.

3. The present application u/s 482 Cr.P.C. has been filed with a prayer to quash the entire proceedings of Case No. 2830 of 2019 arising out of Case Crime No. 221 of 2019, under Sections 420, 406, 504, 506 IPC, P.S. Sipri Bazar, District- Jhansi, pending in the court of Addl. Chief Judicial Magistrate, Court No. 1, Jhansi.

4. The case was heard on 03.03.2020 and the Court has passed the following order:-

"Sri Prashant Shukla, Advocate has filed vakalatnama alongwith affidavit on behalf of opposite party no. 2, which is taken on record. Supplementary affidavit filed on behalf of applicants is also taken on record.

Heard learned counsel for the applicants and learned Additional Government Advocate for the State.

The present application u/s 482 Cr.P.C. has been filed with a prayer to quash the entire proceedings of Case No. 2830 of 2019 arising out of Case Crime No. 221 of 2019, under Sections 420, 406, 504, 506 IPC, P.S. Sipri Bazar, District- Jhansi, pending in the court of Addl. Chief Judicial Magistrate, Court No. 1, Jhansi.

Learned counsel for the applicants has submitted that with the intervention of respected persons of the society, parties have entered into a compromise and a settlement deed dated 11.2.2020 has been drawn copy of which has been annexed as Annexure No. 3 to this application. On the basis of the said compromise deed, it has been prayed before this Court that the proceedings be quashed in view of the law laid down by the Apex Court in the case of Gian Singh Vs. State of Punjab, (2012) 10 SCC 303.

Learned counsel for the opposite party no. 2 has also filed an affidavit and in paras 5, 6 and 7 of the affidavit, it has been stated that compromise has been arrived at between the parties in view of the settlement made between the parties, entire proceedings be quashed.

Whether a compromise has taken place or not can best be ascertained by the court concerned before whom the proceedings are pending after ensuring the presence of the parties before it.

In view of the above, list this case on 21.4.2020 before the appropriate Bench.

In the meantime, the court below will proceed to fix a date for securing the presence of the parties to the proceedings before it and proceed thereafter to ascertain the veracity of the compromise. If the said compromise is verified, the same shall be made part of the record and report to that effect will be prepared and the parties would be allowed to obtain certified copy thereof.

Till the next date of listing, if within two weeks from today a certified copy of this order is produced before the court below with an application to verify a compromise already placed on record, no coercive steps would be taken against the applicants till verification of the compromise in accordance with the observations made herein above. "

5. Pursuant to order dated 03.03.2020, compromise has been verified by the trial Court vide order dated 02.07.2020 and the same has been received to this Court from Additional Chief Judicial Magistrate, Court No. 1, Jhansi, vide letter dated 16.07.2020.

6. Learned counsel for the opposite party No. 2 has not objected the aforesaid facts and submitted that in case proceedings against the applicants is quashed, he would have no objection.

7. Learned A.G.A. has also not disputed the aforesaid facts.

8. 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.

9. 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.

10. The present application is, accordingly **allowed**.

Order Date :- 28.11.2023

Amit/-