

**Court No. - 92**

**Case :-** APPLICATION U/S 482 No. - 40242 of 2017

**Applicant :-** Anita Garg And Another

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

**Counsel for Applicant :-** Amul Kumar Tyagi

**Counsel for Opposite Party :-** G.A.,Bhanu Bhushan Jauhari

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

1. Heard Sri Amul Kumar Tyagi, learned counsel for the applicants and Sri Bhanu Bhushan Jauhari, learned counsel for the opposite party no. 2.

2. The instant application is filed under Section 482 Cr.P.C. praying for quashing of the summoning order dated 31.05.2017 and the entire proceeding of the Complaint Case No. 1203 of 2017 (Alok Garg Vs. Anil Kumar and Others), under Sections 406, 420 IPC, Police Station Kotwali, District Shahjahanpur pending in the Court of Additional Chief Judicial Magistrate-2nd, Shahjahanpur.

3. Learned counsel for the applicants and opposite party no. 2 jointly submit that the counter affidavit has already been filed by the opposite party no. 2. However, the same is not available on record.

4. Registry is directed to trace out the same and place it on record.

5. Learned counsel for the opposite party no. 2 has also filed an application dated 08.10.2023 wherein he has annexed memorandum of settlement of the dispute between the parties. As the dispute in the instant case with regard to some commercial transaction executed between the parties.

6. Learned counsel for the applicants submits that in terms of the said settlement the applicants are required to pay sum of Rs. 4,75,000/- to the opposite party no. 2 as full and final settlement of all their disputes.

7. Learned counsel for the applicants has handed over the demand draft no. "787779" 000072000 amounting Rs. 4,75,000/- to the learned counsel for the opposite party no. 2 in Court.

8. From perusal of the record of the case it appears that in the instant case the dispute was with regard to the commercial transaction between the parties which has now been settled between them in terms of the settlement which has been duly admitted by the learned counsel for the applicants and the opposite party no. 2 has received a demand draft of Rs. 4,75,000/- as full and final settlement of the instant case, therefore, in the light of aforesaid settlement between the parties and having regard to the judgments of Apex Court in ***Narinder Singh & Ors. vs. State of Punjab, (2014) 6 SCC 466 : Prabatbhai Aahir Alias Prabatbhai Bhimsinghbhai Karmur and others vs. State of Gujarat and Another , (2017) 9 SCC 641 and Gian Singh vs. State of Punjab and Another, (2012) 10 SCC 303***, the instant application deserve to be allowed.

9. The instant application is allowed in terms of compromise and the summoning order dated 31.05.2017 and the entire proceedings of the Complaint Case No. 1203 of 2017 (Alok Garg Vs. Anil Kumar and Others), under Sections 406, 420 IPC, Police Station Kotwali, District Shahjahanpur pending in the Court of Additional Chief Judicial Magistrate-2nd, Shahjahanpur are hereby by quashed.

**Order Date :- 27.10.2023**

Vikram