

Court No. - 69

Case :- APPLICATION U/S 482 No. - 9061 of 2023

Applicant :- Raj Singh And 2 Others

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

Counsel for Applicant :- Anurag Mishra, Prabhat Kumar Mishra

Counsel for Opposite Party :- G.A., Vivek Singh

Hon'ble Samit Gopal, J.

1. List revised.
2. No one appears on behalf of the applicants to press this application under Section 482 Cr.P.C. Sri Ajay Singh, learned A.G.A-I for the State is present. Sri Vivek Singh, learned counsel for the opposite party no.2 is also not present even when the matter has been taken up in the revised list.
3. The matter is thus being decided finally on the basis of records with the assistance of learned State Counsel.
4. The present application under Section 482 Cr.P.C. has been filed by the applicants Raj Singh, Smt. Sarvesh and Raman with the prayer to allow the present application and quash the entire proceeding of Complaint Case No.9855 of 2021 (Smt. Rakhi Vs. Raj Singh and others), under Section 498-A, 323, 406 IPC Police Station Mudhapandey, District Moradabad, arising from summoning order dated 21.9.2022 passed by A.C.J.M. Court No.5, Moradabad and to set-aside summoning order date 21.9.2022 and with the further prayer to stay the further proceedings of aforesaid case, during the pendency of present application.
5. The matter was referred to the Mediation Centre of this Court vide order dated 20.3.2023 for making an effort between the parties for settling their disputes amicably.
6. As per the office report dated 26.10.2023, a report from the Mediation Centre of this Court is on record.
7. As per report of Mediation Centre dated 15.9.2023, the parties have entered into an interim settlement dated 18.8.2023 and have amicably settled their dispute and further agreed to withdraw the cases going on between them.
8. From perusal of the report of Mediation Centre of this Court, it appears that in pursuance of the said order the mediation proceedings were taken up which ended in a settlement dated 15.9.2023 between the parties and the Mediation succeeded. The parties have settled their grievances and even the dispute arising in the present matter. The parties have agreed to withdraw the cases

going on between them, the said fact is mentioned in para 7(e) of the said mediation report.

9. The law with regards to quashing of a case on the basis of settlement arrived between the parties, is well settled. The Apex Court in the cases of **(1) B.S. Joshi and others Vs. State of Haryana and another: (2003)4 SCC 675; (2) Nikhil Merchant Vs. Central Bureau of Investigation : (2008) 9 SCC 677; (3) Manoj Sharma Vs. State and others: (2008) 16 SCC 1; (4) Gian Singh Vs. State of Punjab: (2012) 10 SCC 303; (5) Shaifullah and others Vs. State of U.P. And another: 2013 (83) ACC 278 and (6) Parbatbhai Ahir@Parbatbhai @ Bhimsinbhai Karmur and others Vs. State of Gujarat and another: (2017) 9 SCC 641** has held that the cases in which the parties have settled their grievances can be quashed.

10. From perusal of the records and the law laid down by the Apex Court on the subject matter, the present case is a good case for exercising powers by this Court to quash the proceedings as prayed for by the applicant(s).

11. The present application is **allowed**.

12. The entire proceedings of the aforesaid case, Charge Sheet as well as summoning order passed in the aforesaid case are hereby quashed.

13. Office is directed to communicate this order to the concerned court within two weeks from today.

(Samit Gopal, J.)

Order Date :- 26.10.2023
Gaurav Kuls