

Court No. - 92

Case :- APPLICATION U/S 482 No. - 12531 of 2023

Applicant :- Santosh Sonkar

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

Counsel for Applicant :- Kamlesh Kumar Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta,J.

1. Heard Shri Kamlesh Kumar Tiwari, learned counsel for the applicant 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 the N.B.W. dated 13.10.2022 and its summoning order dated 15.09.2020 arising out of Criminal Case No. 8030/2020 (State versus Santosh Sonkar) arising out of Charge Sheet No. A-1 of 2020 dated 03.01.2020 filed in Case Crime No. 885 of 2019, under Sections 420, 406 I.P.C. Police Station Cantt., District-Gorakhpur.

3. Learned counsel for the applicant submits that there was a trivial financial dispute between the parties which has been settled amicably outside the court and a compromise has been executed between the parties and the same has been annexed as Annexure No. 7 to the application.

4. Vide order dated 11.04.2023 this Court had directed the parties to appear before the Trial Court and submit an application before the trial court for verification of the compromise.

5. Learned counsel for the applicant further submits that in terms of the order dated 11.04.2023, the parties have appeared before the trial court on 02.05.2023 and have submitted the compromise and the same was verified by the trial court vide order dated 09.05.2023. Copy of which is available on record in Supplementary Affidavit dated 21.05.2023 filed by the applicant.

6. The verification report of the compromise dated 28.02.2023 is also available on record. From the compromise between the parties it has been admitted by the opposite party no. 2 that he has received a sum of Rs. one lakh in full and final settlement against all his claims therefore, he does not want to pursue this case

against the applicant herein.

7. Learned A.G.A. for the State does not dispute the factum of compromise between the parties and in view of the fact of the case since the matter has already been amicably settled between the parties and the compromise has been duly verified by the trial court.

8. In view of the said compromise, no fruitful purpose would be served keeping the writ petition pending against the applicant.

9. Therefore, in view of the judgements 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 Prabatbhai Aahir alias Prabatbhai Bhimsinghbhai Karmur and others Vs. State of Gujarat and another (2017) 9 SCC 641**, the entire proceedings of the aforesaid criminal case are hereby quashed.

10. The application is **allowed**.

Order Date :- 24.11.2023

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