

Court No. - 91

Case :- APPLICATION U/S 482 No. - 10654 of 2018

Applicant :- Smt. Anita Upadhyay

Opposite Party :- State Of U.P. Another

Counsel for Applicant :- Pankaj Kumar Shukla

Counsel for Opposite Party :- G.A.,Gaurav Maurya

Hon'ble Gajendra Kumar,J.

1. Heard learned counsel for the applicant and learned AGA for the state.

2. This application under Section 482 Cr.P.C. has been filed with the prayer to quash the entire proceeding of Case no. 1626 of 2001 (State Vs. Ravendra Kumar and others) arising out of Case Crime No.332 of 2000 under Sections 420, 467, 468, 471, 120-B IPC, P.S. Hathras Gate, District- Hathras pending before the Chief Judicial Magistrate Hathras.

3. Pursuant to order dated 12.07.2018, the parties appeared before the court below for verification of settlement / compromise, who were duly identified by their counsel's, while verifying the compromise / settlement dated 30.04.2018.

4. It is submitted by learned counsel for the applicant that it is a property dispute and all the disputes and differences have been settled between the parties. At this stage, learned counsel further submitted that continuation of the proceedings of the aforesaid case will be an abuse of process of law. No fruitful purpose would be served by keeping the matter pending. In support of his contention, learned counsel for the applicant has also placed reliance on the law laid down by Apex Court in ***Gian Singh vs. State of Punjab, (2012), 10 SCC 303, B.S. Joshi and others vs. State of Haryana and another, (2003) 4 SCC 675*** and ***Madan Mohan Abbot vs. State of Punjab, (2008) 4 SCC 582***.

5. On the other hand, learned AGA submits that since the dispute between the parties has been settled, opposite party no.2 has no objection if the proceedings of the aforesaid complaint case pending before the trial court is quashed.

6. I have considered the submissions made by the learned counsel

for the parties and have gone through the entire record.

7. In all the aforesaid cases, the Apex Court has laid down the law that criminal proceedings may be quashed even in non-compoundable cases by the High Court in exercise of its extraordinary jurisdiction to restore peace between the parties and in case the justice so demands. According to Hon'ble Supreme Court, if the offence involve private dispute between the parties of commercial nature or matrimonial dispute and it is not related to heinous offence, the proceedings may be quashed.

8. Since the dispute between the parties has been amicably and mutually settled, no fruitful purpose would be served by permitting to continue the criminal case pending before the trial court and it would simply be a waste of time if the aforesaid case is permitted to continue till its logical conclusion.

9. In view of the above, the Application u/s 482 Cr.P.C. is **allowed**.

10. The entire proceedings of Case no.1626 of 2001 (State Vs. Ravendra Kumar and others) arising out of Case Crime No.332 of 2000 under Sections 420, 467, 468, 471, 120-B IPC, P.S. Hathras Gate, District- Hathras pending before the Chief Judicial Magistrate Hathras against the applicant are quashed in terms of compromise arrived at between the parties.

Order Date :- 20.11.2023

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