

Court No. - 85

Case :- CRIMINAL APPEAL No. - 3154 of 2023

Appellant :- Amit Singh @ Ashu Singh

Respondent :- State of U.P. and Another

Counsel for Appellant :- Manvendra Singh

Counsel for Respondent :- G.A., Virendra Kumar Yadav

Hon'ble Mayank Kumar Jain, J.

Supplementary affidavit filed on behalf of appellant in the Court today is taken on record.

Heard learned counsel for the appellant and learned AGA for the state.

This appeal has been filed u/s 14-A (1) of SC/ST Act with the prayer to set aside the summoning order dated 23.1.2023 passed by Special Judge, Exclusive Court, Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 in Special Session Case No. 149 of 2023, arising out of Case Crime No. 26 of 2021, under Sections 3(1)R, 3(1)S and 3(2)5A SC/ST Act, P.S. Lalauli, district-Fatehpur, as well as stay the proceedings of aforesaid case, pending in the Court of Special Judge, Exclusive Court (SC & ST Act), Fatehpur.

In pursuance of the order of this Court dated 31.3.2023, a certified copy of the compromise and compromise verification report is brought by learned counsel for the appellant through supplementary affidavit, which is taken on record.

The compromise between the parties has been verified by the court below. The amount of compensation to the tune of Rs. 25,000/- (Rs twenty five thousand) has also been deposited in the Bank account of opposite party no. 2. A copy of challan produced before the Court is also taken on record.

It is submitted by learned counsel for the appellant that all the disputes and differences have been settled between the parties. A copy of the compromise duly verified by the court concerned pursuant to the order dated 31.03.2023 passed by this Court, is also annexed as Annexure-SA1 to the supplementary affidavit with this appeal. 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 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*.

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

I have considered the submissions made by the learned counsel for the parties and have gone through the entire record.

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.

Since a compromise has been arrived in between the parties which is duly verified by the court concerned and 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.

In view of the above, the criminal appeal is allowed.

The summoning order dated 23.1.2023 passed by Special Judge, Exclusive Court, Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) in Act Special Session Case No. 149 of 2023, arising out of Case Crime No. 26 of 2021, under Sections 3(1)R, 3(1)S and 3(2)5A SC/ST Act, P.S. Lalauli, district-Fatehpur is hereby set aside in terms of compromise arrived at between the parties.

Order Date :- 26.10.2023
Faridul