

Court No. - 88

Case :- APPLICATION U/S 482 No. - 12045 of 2022

Applicant :- Uma Shankar @ Bittu

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

Counsel for Applicant :- Ramanuj Yadav, Rachana Yadav

Counsel for Opposite Party :- G.A., Meraj Khan, Sushil Kumar Dubey

Hon'ble Sanjay Kumar Singh, J.

Heard learned counsel for the applicant, learned Additional Government Advocate for the State/opposite party No.1, learned counsel for opposite party No. 2 and perused the record.

This application under Section 482 Cr.P.C. has been filed by the applicant to quash the charge-sheet dated 17.07.2019, cognizance/summoning order dated 30.10.2021 and proceeding of Case No. 1089 of 2021 (State Vs. Uma Shankar) arising out of Case Crime No. 249 of 2018, under Sections 323, 325, 504, 506, 427, 307 IPC, Police Station Ekdil, District Etawah pending in the Court of Judicial Magistrate-II, Etawah.

Filtering out unnecessary details, the basic facts in brief, which are necessary for disposal of this case as argued by the learned counsel for the applicant are that opposite party no. 2 lodged the first information report on 19.07.2018 against the applicant Uma Shankar @ Bittu and co-accused Vinay @ Banti for the offence under Sections 394, 506 IPC, in which after culmination of investigation, separate charge-sheet was filed against both the aforesaid accused persons. So far as the applicant is concerned, charge-sheet was submitted against him on 17.07.2019, on which the Magistrate concerned took cognizance on 30.10.2021 and summoned the applicant to face trial. Thereafter, the parties concerned have settled the dispute outside the Court and a compromise application has been filed before the concerned Court below, which was directed to be verified by the concerned Court below vide order dated 16.05.2023 of this Court. In compliance thereof, compromise has been verified by the

concerned Magistrate on 26.05.2023. It is also pointed out that on the basis of compromise, proceeding against the co-accused Vinay @ Banti has been quashed by the Coordinate Bench of this Court vide order dated 06.02.2023 in an application under Section 482 Cr.P.C. No. 2803 of 2023.

On the strength of aforesaid facts, it is submitted that on account of compromise arrived at between the parties concerned, all disputes between them have come to an end, therefore, continuance of criminal proceedings pursuant to impugned charge-sheet against the applicant after compromise between them would be a futile exercise and the same is liable to be quashed by this Court.

Learned Additional Government Advocate and learned counsel appearing on behalf of opposite party No.2 do not dispute the aforesaid facts. Learned counsel for opposite party No. 2 has also submitted at the Bar that since the parties concerned have settled their dispute as mentioned above, therefore, opposite party No.2 has no grievance and has no objection in quashing the impugned criminal proceedings against the applicant.

After having heard the arguments of learned counsel for the parties, I find that after compromise/settlement arrived at between the parties in the present case, the chance of ultimate conviction is bleak and, therefore, no useful purpose is likely to be served by allowing a criminal prosecution against the applicant to continue, as the same would be futile exercise and a sheer wastage of precious time of the Court. The continuation of a criminal proceedings after compromise would cause oppression and prejudice to the parties concerned. If the parties concerned want to bury the hatchet and are willing to move on in personal dispute on the basis of compromise, they may be allowed to compound the offences in terms of settlement, because in such circumstances the proceedings can hardly be taken to their logical culmination and, the prospect of conviction gets lost.

The Apex Court in case of **State of Madhya Pradesh Vs. Laxmi Narayan and others AIR 2019 SC 1296** and **Ramgopal and another Vs The State of Madhya Pradesh 2021 Supreme (SC) 529** after wholesome treatment has laid down guidelines for quashing of criminal proceedings arising out of non-compoundable offences under Section 320 Cr.P.C. on the basis of compromise, wherein quashing of proceeding of criminal cases which involved non compoundable offences has been approved by the Apex Court if the nature of the offence is private in nature and does not have a serious impact on society.

Considering the facts and circumstances of this case in the light of dictum and guidelines laid down by the Apex Court as mentioned above, I find that the case in hand does not have grave and wider social ramifications and the dispute is more or less confined between the litigating parties, therefore this Court feels that this is a fit case, where this Court can exercise its inherent power to secure the end of justice. In the case in hand interest of justice would be met, if the prayer of parties is acceded to and the criminal proceedings and other litigation between the parties is brought to an end.

In view of the above, charge-sheet dated 17.07.2019, cognizance/summoning order dated 30.10.2021 and proceeding of Case No. 1089 of 2021 (State Vs. Uma Shankar) arising out of Case Crime No. 249 of 2018, under Sections 323, 325, 504, 506, 427, 307 IPC, Police Station Ekdil, District Etawah pending in the Court of Judicial Magistrate-II, Etawah against the applicant are hereby quashed.

The instant application under Section 482 Cr.P.C. is **allowed** in terms of compromise as mentioned above.

Order Date :- 12.10.2023
Shubham