

Court No. - 69

Case :- APPLICATION U/S 482 No. - 13236 of 2023

Applicant :- Akhlaq Ahmad

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

Counsel for Applicant :- Rajesh Maurya

Counsel for Opposite Party :- G.A.,Chandra Kumar Rai,Shivendra Nath Singh

Hon'ble Samit Gopal,J.

1. List revised.
2. Heard Sri Rajesh Maurya, learned counsel for the applicant, Sri Ajay Singh, learned A.G.A-1 for the State and perused the records. Sri Chandra Kumar Rai and Sri Shivendra Nath Singh, learned counsels for the opposite party no.2 are not present even when the matter has been taken up in the revised list.
3. The present application under Section 482 Cr.P.C. has been filed by the applicant Akhlaq Ahmad with the prayer to allow the present application and quash the entire criminal proceeding of Case No.13 of 2022 relating to Case Crime No.47 of 2021, under Section 498-A, 323, 504 IPC and Section 3/4 of D.P. Act and 3/4 Muslim Women (Protection of Right to Marriage) Act, 2019, Police Station Kasimabad, District Ghazipur pending in the court of Addl. Chief Judicial Magistrate, Court No.2, Muhammadabad, District Ghazipur and to quash the Charge Sheet No.66 of 2021 dated 20.2.2021 and to quash cognizance order dated 7.1.2022 passed by Addl. Chief Judicial Magistrate, Court No.2, Mohammadabad, District Ghazipur and with the further prayer to stay the further proceedings of aforesaid case, during the pendency of present application.
4. The matter was referred to the Mediation Centre of this Court vide order dated 22.5.2023 for making an effort between the parties for settling their disputes amicably.
5. As per the office report dated 19.9.2023, a report from the Mediation Centre of this Court is on record.
6. As per report of Mediation Centre dated 27.9.2023, the parties have entered into an interim settlement dated 13.9.2023 and have amicably settled their dispute and further agreed to withdraw the cases going on between them.

7. 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 27.9.2023 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 (f) of the said mediation report.

8. 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.

9. 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).

10. The present application is **allowed**.

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

(Samit Gopal, J.)

Order Date :- 26.10.2023
Gaurav Kuls