

Court No. - 87

Case :- APPLICATION U/S 482 No. - 14733 of 2023

Applicant :- Mukesh @ Radhey Shyam And Another

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

Counsel for Applicant :- Surendra Pratap Singh

Counsel for Opposite Party :- G.A., Shivam Pandey, Srikant Tiwari

Hon'ble Neeraj Tiwari, J.

1. Heard learned counsel for the applicants, learned counsel for the opposite party No.2 and learned A.G.A. for the State.

2. The present application under Section 482 Cr.P.C. has been filed with the prayer to quash the entire criminal proceedings of S.T. No.37 of 2019 arising out of Case Crime No. 60 of 2004, under Sections 323, 324, 504, 506 & 452 I.P.C. and Section 3(1) (10) S.C./S.T. Act, Police Station- Dibiyapur, District- Auraiya, pending before learned Special Judge S.C./S.T. Act, Auraiya.

3. The case was heard on 12.06.2023 and the Court has passed the following order:-

"Heard Sri P. Sharma, holding brief of Sri Surendra Pratap Singh, learned Counsel for the applicants and learned A.G.A. for the State.

The present application under Section 482 Cr.P.C. has been filed with the prayer to quash the entire criminal proceedings of S.T. No.37 of 2019 arising out of Case Crime No. 60 of 2004, under Sections 323, 324, 504, 506 & 452 I.P.C. and Section 3(1) (10) S.C./S.T. Act, Police Station- Dibiyapur, District- Auraiya, pending before learned Special Judge S.C./S.T. Act, Auraiya.

Learned counsel appearing for the applicants submits that the dispute has been amicably settled between the parties and they have entered into a compromise. A copy of the compromise dated 18.3.2023 has been brought on record as annexure-4 to the affidavit filed in support of the application and the same has been filed before the court of learned Special Judge S.C./S.T. Act, Auraiya.

Learned Counsel appearing for the State and learned Counsel appearing for the informant did not dispute the aforesaid fact.

Let the learned Special Judge S.C./S.T. Act, Auraiya submit its report after verification of compromise before this Court within a period of two months from the date of production of certified copy of this order after giving opportunity of hearing to the parties concerned and without

granting unnecessary adjournments to either of the parties provided that there is no other legal impediment.

List this case after two months.

Until further order of this Court, no coercive action shall be taken against the applicants."

4. Pursuant to order dated 12.06.2023, compromise has been verified by the trial Court vide order dated 22.08.2023 and the same has been received to this Court from Special Judge, SC/ST Act, Auraiya, vide letter dated 24.08.2023.

5. Learned counsel for the opposite party No. 2 has not objected the aforesaid facts and submitted that in case proceedings against the applicants is quashed, he would have no objection.

6. In view of the facts and circumstances of the case, the applicants and opposite party no.2 do not want to pursue the case any further as stated by them. The matter has been mutually settled between the parties, therefore, no useful purpose would be served in proceeding with the matter further.

7. Thus in view of the well settled principle of law as laid down by the Hon'ble Apex Court in the matters of **Krishnappa & Ors. vs. State of Karnataka; 2021 0 Supreme(SC) 529, Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and Ors. vs. State of Gujarat and another; 2017 9 SCC 641, B.S. Joshi Vs. State of Haryana; 2003(4) SCC 675, Nikhil Merchant Vs. Central Burea of Investigation and another; (2008) 9 Supreme Court Cases 677, Gian Singh Vs. Stated of Punjab; (2012) 10 SCC 303 and Narinder Singh & others Vs. State of Punjab and another; (2014) Supreme Today 642**, the proceedings of the aforesaid case is hereby quashed.

8. The present application is, accordingly **allowed**.

9. Trial Court is directed to ensure the deposit of compensation amount, if any, received by the opposite party No.2 before closing the proceedings of the aforesaid case.

Order Date :- 21.11.2023

Amit/-