

Court No. - 69

Case :- APPLICATION U/S 482 No. - 15621 of 2023

Applicant :- M/S K.D.P. Buildwell Pvt. Ltd. Through Its Director And 2 Others

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

Counsel for Applicant :- Rohit Nandan Pandey

Counsel for Opposite Party :- G.A.,Prakash Chandra Shukla,Ramendra Shukla

Hon'ble Samit Gopal,J.

1. List revised.
2. Heard Sri Rohit Nandan Pandey, learned counsel for the applicants, Sri Prakash Chandra Shukla, learned counsel for the opposite party no.2, Sri Triveni Saran Rai, learned counsel for the State and perused the records.
3. The present application under Section 482 Cr.P.C. has been filed by the applicants M/s K.D.P. Buildwell Pvt. Ltd, Manoj Kumar Goyal and Ashish Goyal with the prayer to quash the criminal complaint dated 21.03.2022 u/s 138 N.I. Act as well as summoning order dated 16.1.2023 passed by ACJM, Court No.10, Allahabad in Complaint Case No.608 of 2022, u/s 138 N.I. Act, P.S. Shivkuti, District Allahabad (Prayagraj), Amar Bahadur Vs. K.D.P. Buildbell Pvt. Ltd. and others 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 9.5.2023 for making an effort between the parties for settling their disputes amicably.
5. As per the office report dated 3.10.2023, a report from the Mediation Centre of this Court is on record.
6. As per report of Mediation Centre dated 25.8.2023, the parties 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 25.8.2023 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 6(e) of the said mediation report.
8. It is pointed out by learned counsel for the opposite party no.2 that Rs.58,000/- has been deposited before the Mediation and Conciliation Centre of this Court by the applicants in compliance of the order dated 9.5.2023 of this Court out of which Rs.8,000/- has been paid to him but remaining Rs.50,000/- is still with the

Mediation and Conciliation Centre. In para 6(c) of the settlement agreement, it is stated that disbursement of the said amount shall be subject to the order of this Court and appropriate orders be passed for release of the said amount in favour of the opposite party no.2.

9. Since it is not disputed that Rs.50,000/- is pending before the Mediation and Conciliation Centre of this Court out of Rs.58,000/- deposited in the present matter and if the same is still pending before the Mediation and Conciliation Centre in the present case, a sum of Rs.45,000/- shall be paid to the opposite party no.2 within 30 days from today and Rs.5,000/- shall be retained by the Mediation and Conciliation Centre for utilization in the Centre itself.

10. 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.

11. 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).

12. The present application is **allowed**.

13. The entire proceedings of the aforesaid case as well as summoning order passed in the aforesaid case are hereby quashed.

(Samit Gopal, J.)

Order Date :- 12.12.2023
Gaurav Kuls