Court No. - 69

Case :- APPLICATION U/S 482 No. - 16599 of 2023

Applicant :- Rakesh Vishawkarma
Opposite Party :- State Of U.P. And 2 Others
Counsel for Applicant :- Sushant Prakash Tiwari
Counsel for Opposite Party :- G.A.,Awadh Narayan Tiwari

Hon'ble Samit Gopal,J.

1. List revised.

2. Heard Sri Sushant Prakash Tiwari, learned counsel for the applicant, Sri Awadh Narayan Tiwari, learned counsel for the opposite party no.3, Sri Ajay Singh, learned A.G.A-1 for the State and perused the records.

3. The present application under Section 482 Cr.P.C. has been filed by the applicant Rakesh Vishawkarma with the prayer to allow the present application and quash the summoning order dated 15.2.2021 as well as charge sheet dated 7.1.2021 arising out of case crime no.717 of 2019 under Sections 406, 420 IPC, P.S. Khurja Nagar, District Bulandshahar pending in the court of Addl. Chief Judicial Magistrate, Khurja (State Vs. Rakesh Vishwakarma and others) and with the further prayer to stay the effect and operation of the aforesaid summoning order as well as charge sheet in the aforesaid case, during the pendency of present application.

4. The matter was referred to the Mediation Centre of this Court vide order dated 12.5.2023 for making an effort between the parties for settling their disputes amicably.

5. As per the office report dated 11/12/2023, a report from the Mediation Centre of this Court is on record.

6. As per report of Mediation Centre dated 27.8.2023, 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 27.8.2023 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 not to file any fresh

case against each other, the said fact is mentioned in para 6 (d) 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 summoning order passed in the aforesaid case are hereby quashed.

(Samit Gopal, J.)

Order Date :- 12.12.2023
Gaurav Kuls

Digitally signed by :-
GAURAV KULSHRESTHA
High Court of Judicature at Allahabad