

Court No. - 87

Case :- APPLICATION U/S 482 No. - 17595 of 2023

Applicant :- Anish Ahmad And 4 Others

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

Counsel for Applicant :- Lavkush Kumar Bhatt

Counsel for Opposite Party :- G.A.

Hon'ble Neeraj Tiwari,J.

1. Heard learned counsel for the applicants, learned AGA for the State and Sri Kamarulhasan, advocate holding brief of Mohd. Nadeem, learned counsel for the opposite party no.2.

2. The present 482 Cr.P.C. application has been filed to quash of entire proceedings of Session Trial No. 561 of 2021 (State Vs. Anish Ahmad and others) arising out of Case Crime No. 0194 of 2017, under Sections 147, 148, 149, 307, 323, 504, 506, 336 I.P.C., Police Station Jahanganj, District Farrukhabad pending in the Court of Judicial Magistrate, Farrukhabad.

3. Case was heard on 11.05.2022, Court has passed the following order:-

"1. List revised.

2. Vakalatnama filed by Sri Mohd. Nadeem, Advocate on behalf of the opposite party no.2 is taken on record.

3. Learned counsel for the applicants is permitted to correct the name of the opposite party no.2 in the array of parties during the course of the day.

4. Heard Sri Lavkush Kumar Bhatt, learned counsel for the applicants, Sri Mohd. Nadeem, learned counsel for the opposite party no.2 and Sri Sanjay Kumar Singh, learned State counsel and perused the record.

5. The present application has been filed by the applicants- Anish Ahmad, Nahid, Sadir, Monis and Athar with the prayer to allow this application and quash the entire proceeding of Session Trial No. 561 of 2021 (State Vs. Anish Ahmad and others) arising out of Case Crime No. 0194 of 2017, under Sections 147, 148, 149, 307, 323, 504, 506, 336 I.P.C., Police Station Jahanganj, District Farrukhabad pending in the Court of Judicial Magistrate, Farrukhabad with a further prayer that proceedings of the aforesaid case be stayed against the applicants during the pendency of the present application.

6. Learned counsel for the applicants argued that the parties have entered into compromise which is dated 31.01.2023, copy of the said compromise is annexed as Annexure no.13 to the affidavit in support of present 482 Cr.P.C. application. It is argued that as such the present proceedings be quashed.

7. Looking to the facts of the case, it is provided that the applicants shall file

the said compromise within a period of two weeks from today before the court concerned who shall verify the same within three weeks thereafter and send his report to this Court.

8. List on 07th July, 2023.

9. *Till the next date of listing, no coercive action shall be taken against the applicants in the aforesaid case."*

4. Pursuant to the order of this Court dated 11.05.2022, learned Sessions Judge, Farrukhabad has verified the compromise between the parties on 12.06.2023 and information to this effect has been received before this Court on the same date i.e. 12.06.2023.

5. Learned counsel for the applicants submitted that the present matter is arising out of matrimonial dispute and now the parties have entered into compromise, therefore, present proceeding may be quashed.

6. Sri Kamarulhasan, advocate holding brief of Mohd. Nadeem, learned counsel for the opposite party no.2 has not objected the aforesaid fact and submitted that in case proceedings is quashed, he would have no objection.

7. Learned AGA has also not disputed the aforesaid fact.

8. In view of above, 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.

9. 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 Bureau of Investigation and another; (2008) 9 Supreme Court Cases 677, Gian Singh Vs. State 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.

10. The present application is, accordingly **allowed**. No order as to costs.

Order Date :- 11.12.2023/Arvind