

Court No. - 89

Case :- APPLICATION U/S 482 No. - 18458 of 2022

Applicant :- Shishram And 6 Others

Opposite Party :- State Of U.P. And Anotehr

Counsel for Applicant :- Abhishek Gupta

Counsel for Opposite Party :- G.A.,Shekhar Gangal

Hon'ble Deepak Verma,J.

1. Heard learned counsel for the applicants, Sri Shekhar Gangal, learned counsel for the opposite party no.2, learned A.G.A for the State and perused the record.

2. This application under Section 482 Cr.P.C. has been filed to quash the charge-sheet dated 05.06.2021, cognizance/summoning order dated 16.09.2021 as well as entire proceedings of Case No.1004 of 2021 arising out of Case Crime No.339 of 2021 (State vs. Shishram and others), under sections 147, 148, 149, 452, 323, 352, 506, 325 I.P.C., Police Station Jewar, District Gautam Budh Nagar.

3. Learned counsel for the applicants has challenged the proceeding with the prayer to quash the entire proceeding in terms of compromise. The coordinate Bench of this Court by order dated 14.07.2022 directed the parties to appear before the concerned court below on 22.07.2022 and file their compromise application. Some part of the order is being quoted below:-

".....Both the parties are directed to appear before the concerned court below on 22.07.2022 and file their compromise application. The court below is directed to pass an order on the said compromise application and all formalities completed within two months from that date. The concerned Magistrate will sent a report to this Court whether the said compromise took place or not....."

4. In pursuance of the order passed by this Court dated 14.07.2022, learned Judicial Magistrate has submitted report on 22.07.2022 that parties have filed compromise deed stating therein that they have entered into compromise and do not want to proceed further in the matter and parties were identified by their counsels. Report dated 22.07.2022 is present in record.

5. Learned counsel for the applicants submits that though injured

has received injury but injuries are simple in nature and parties are neighbours of same village and they do not want to proceed against the applicants. Trial court has verified the parties and in view of compromise made between the parties, proceeding be quashed.

6. Learned counsel appearing for the opposite party no.2 has not disputed the facts and submitted that opposite party no.2-informant and applicants-accused are entered into compromise and informant do not want to prosecute the applicants in the aforesaid offence. Injuries are simple in nature. There is no useful purpose to keep this matter pending.

7. A joint affidavit has been moved in which it has been stated in Para-9 that opposite party no.2 has no objection if the Hon'ble Court orders for quashing the entire proceeding in the aforesaid case.

8. Learned counsel for the applicants has placed reliance upon various judgements passed by 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 on the basis of settlement arrived between the parties, proceeding can be quashed.

9. Considering the argument raised by learned counsel for the applicants and after perusal of record, it is a fit case to be interfered, hence, entire proceeding in Case No.1004 of 2021 arising out of Case Crime No.339 of 2021 (State vs. Shishram and others), under sections 147, 148, 149, 452, 323, 352, 506, 325 I.P.C., Police Station Jewar, District Gautam Budh Nagar are hereby set aside and quashed. The application u/s482 Cr.P.C. is **allowed.**

Order Date :- 13.12.2023

SKD