

Court No. - 87

Case :- APPLICATION U/S 482 No. - 21274 of 2019

Applicant :- Satish And 2 Others

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Santosh Kumar Singh, Manoj Kumar Dubey

Counsel for Opposite Party :- G.A., Bhavesh Kumar Mishra

Hon'ble Neeraj Tiwari, J.

Crl. Misc. Impleadment Application No. 4 of 2023.

1. Heard learned counsel for the applicant, learned AGA for the State and Sri Bhavesh Kumar Mishra, learned counsel for opposite party no.2.
2. Learned counsel for the applicant has filed impleadment application for impleading the applicant as applicant no.4 for which Sri Bhavesh Kumar Mishra, learned counsel for opposite party no.2. has no objection.
3. Impleadment application is allowed.
4. Learned counsel for the applicant is permitted to carry out necessary correction in the array of applicants to implead the applicant as applicant no.4 during the course of day.

Order on the memo of application.

1. Heard learned counsel for the applicant, learned AGA for the State and Sri Bhavesh Kumar Mishra, learned counsel for opposite party no.2.
2. The present application under section 482 Cr.PC, has been filed with a prayer to quash the entire proceedings of Case No. 1598/9 of 2019 (State v. Gulshan and others) arising out of Case Crime No. 717 of 2018 under sections 498A, 323, 506, 307 IPC, and 3/4 of D.P. Act, Police Station- Kotwali City, District- Muzaffar Nagar as well as quash the charge sheet dated 23.11.2018 and also to quash the cognizance order dated 27.3.2019 passed by CJM, Muzaffar Nagar. .

3. Learned counsel for the applicants submitted that present criminal proceedings is arising out matrimonial dispute and now parties have entered into compromise and further applicant no.4 and opposite party no.3 are living together. He next submitted that in the short counter affidavit filed by the opposite party nos. 2 & 3, this fact has not been disputed. It is also mentioned in the affidavit that opposite party no.3 is now residing with applicant no.4 and her family members. He lastly submitted that in light of compromise, present proceeding may be quashed.

4. Sri Bhavesh Kumar Mishra, learned counsel for opposite party no.2 has supported the case of the applicants on the basis of short counter affidavit. He further submitted that in case this Court is pleased to quash the criminal proceeding pending against the applicants, he has no objection.

5. In view of above, the applicants and respondent 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.

6. 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.

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

Order Date :- 2.11.2023

Junaid