

Court No. - 87

Case :- APPLICATION U/S 482 No. - 18821 of 2023

Applicant :- Sazid And 3 Others

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

Counsel for Applicant :- Ram Sajiwan Prajapati

Counsel for Opposite Party :- G.A.,Anjani Kumar Shahwal

Hon'ble Neeraj Tiwari,J.

1. Heard learned counsel for the applicants, learned A.G.A. for the State and learned counsel for the opposite party No.2.

2. The present application has been filed by the applicants- Sazid, Mauni @ Arbaz, Soni @ Sahnawaz and Salman with the prayer to allow this application and quash the entire proceeding as well as impugned charge-sheet dated 20.06.2021 & cognizance order dated 10.01.2022 in Criminal Case No. 74 of 2022 (State Vs. Sazid & others) arising out of Case Crime No. 143 of 2021, under Sections 323, 504, 506, 324 I.P.C., Police Station Kotwali Nagar, District Aligarh pending in the Court of Additional Chief Judicial Magistrate-III, Aligarh with a further prayer that proceedings of the aforesaid case be stayed against the applicants during the pendency of the present application.

3. The case was heard on 22.05.2023 and the Court has passed the following order:-

"1. List revised.

Sri Alok Kumar Sharma, Advocate appears on behalf of the opposite party no.2 and states that he shall be filing his Vakalatnama in the office within two days. If any such Vakalatnama is filed, the office to trace out the same and place it on record.

2. Heard Sri Ram Sajiwan Prajapati, learned counsel for the applicants, Sri Alok Kumar Sharma,, learned counsel for the opposite party no.2 and Sri B.B. Upadyay, learned State counsel and perused the record.

3. The present application has been filed by the applicants- Sazid, Mauni @ Arbaz, Soni @ Sahnawaz and Salman with the prayer to allow this application and quash the entire proceeding as well as impugned charge-sheet dated 20.06.2021 & cognizance order dated 10.01.2022 in Criminal Case No. 74 of 2022 (State Vs. Sazid & others) arising out of Case Crime No. 143 of 2021, under Sections 323, 504, 506, 324 I.P.C., Police Station Kotwali Nagar, District Aligarh pending in the Court of Additional Chief Judicial Magistrate-III, Aligarh with a further prayer that proceedings of the aforesaid case be stayed against the applicants during the pendency of the present application.

4. *Learned counsel for the applicants argued that the parties have entered into compromise which is dated 04.05.2023, copy of the said compromise is annexed as Annexure no.5 to the affidavit in support of present 482 Cr.P.C. application. It is argued that as such the present proceedings be quashed.*

5. *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.*

6. *List on 17th July, 2023.*

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

4. Pursuant to order dated 22.05.2023, compromise has been verified by the trial Court vide order dated 05.06.2023 and the same has been received to this Court from Additional Chief Judicial Magistrate, Court No.1, Aligarh, vide letter dated 05.06.2023.

5. Learned counsel for the opposite party No. 2 has not objected the aforesaid facts and submitted that in case proceedings against the applicants is quashed, he would have no objection.

6. In view of the facts and circumstances of the case, 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.

7. 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.

8. The present application is, accordingly **allowed**.

Order Date :- 21.11.2023

Amit/-