

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 7879 of 2023

Petitioner :- Sister Jyoti C.J.

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Anurag Vajpeyi, Gaurav Tripathi

Counsel for Respondent :- G.A., Dharam Veer Singh, Rajiv Lochan Shukla

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Heard Shri Gaurav Tripathi, learned counsel for the petitioner, Shri Shobhit Pratap Singh, holding brief of Shri Dharam Veer Singh, learned counsel for the informant, Shri G.P. Singh, learned A.G.A. appearing for the State-respondents, and perused the record.

2. This writ petition has been filed praying to quash the impugned First Information Report dated 11.5.2023 registered as Case Crime No.150 of 2023, under Section 75 & 76 of the Juvenile Justice (Care and Protection of Children) Act, P.S. Civil Lines, District Prayagraj.

3. Vide order dated 21.9.2023 the matter was referred to the mediation centre.

4. Perused the office report dated 21.11.2023 and the settlement agreement dated 19.11.2023 which indicates that matter has been peacefully settled between the parties and they have settled their differences on the terms mentioned in paragraph-6 of the settlement agreement dated 19.11.2023. The paragraph-6 is quoted as under:-

"6. The following settlement has been arrived at between the Parties hereto:-

a) That the present case is referred by Hon'ble High Court vide order dated 21.09.2023, where both the parties state that they have entered into compromise.

b) That the Petitioner has filed agreement dated 18.07.2023 before Hon'ble High Court, Allahabad in Case No. 7879 of 2023 along-with second supplementary affidavit and the Hon'ble High Court has taken note of the same in the order

dated 16.08.2023. The Respondent No.3 in Criminal Misc. Writ Petition no. 7879 of 2023 had affirmed the aforesaid compromise by filing the counter affidavit.

c) That today Le. 19.11.2023, the Petitioner-Sister Jyoti C.J. and the Respondent No.3-Asad Ahmad had appeared before the Mediation Centre and affirmed the compromise and stated that they do not want to continue with the proceedings of Case Crime No. 150 of 2023 filed under Section 75 and 85 of the Juvenile Justice (Care and Protection of Children) Act, 2015, Police Station Civil Lines, District Prayagraj.

d) That the parties further states all the disputes and differences been resolved between the parties.

e) That it has been agreed between the parties that the cases filed by them against each other regarding present dispute shall be withdrawn by the parties concerned by taking appropriate steps before the Court/authority concerned."

5. It is submitted that as between the parties compromise had already taken place, therefore, the impugned First Information Report dated 11.5.2023 registered as Case Crime No.150 of 2023, under Section 75 & 76 of the Juvenile Justice (Care and Protection of Children) Act, P.S. Civil Lines, District Prayagraj is liable to be quashed.

6. Thus, in view of the well settled principles of law as laid down by the Hon'ble Apex Court reported in **2003(4) SCC 675 (B.S. Joshi Vs. State of Haryana)**, **J.T. 2008(9) SC 192 (Nikhil Merchant Vs. Central Bureau of investigation and another)**, **(2012) 10 SCC 303 (Gian Singh Vs. State of Punjab)**, **(2014) 9 SCC 653 (Yogendra Yadav and others Vs. State of Jharkhand)** and also **(2014) 6 SCC 466 (Narendra Singh Vs. State of Punjab)**, and in view of the settlement agreement dated 19.11.2023, the First Information Report dated 11.5.2023 registered as Case Crime No.150 of 2023, under Section 75 & 76 of the Juvenile Justice (Care and Protection of Children) Act, P.S. Civil Lines, District Prayagraj is hereby quashed.

7. The present petition is, accordingly, allowed.

Order Date :- 21.11.2023

Anil K. Sharma