

Court No. - 86

Case :- APPLICATION U/S 482 No. - 19495 of 2023

Applicant :- Vinay Tiwari

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

Counsel for Applicant :- Akhilesh Srivastava, Saksham Srivastava

Counsel for Opposite Party :- G.A., Sanjay Mishra

Hon'ble Rajiv Gupta, J.

1. Supplementary affidavit filed on behalf of applicant today in Court, is taken on record.
2. Heard learned counsel for the applicant; Sri Sanjay Mishra, learned counsel for the opposite party no.2; learned AGA for the State and perused the record.
3. This application under Section 482 Cr.P.C. has been filed with a prayer to quash the charge sheet dated 03.09.2021 as well as cognizance order dated 19.01.2022 and entire criminal proceedings of Case No.730 of 2022, (Case Crime No.514 of 2021), State versus Vinay Tiwari, pending in the Court of learned Chief Judicial Magistrate, Kannauj, under Sections 354, 323, 504 & 506 IPC, Police Station Kotwali Kannauj, District Kannauj.
4. Learned counsel for the applicant has submitted that on account of certain misunderstanding and misgiving, instant criminal proceedings was instituted against the applicant by the opposite party No. 2, however with the intervention of the respected members of both the family and society, they have amicably and genuinely settled all their disputes and differences and now they do not have any grievance against each other.
5. Learned counsel for the applicant has next submitted that a settlement-agreement dated 19.04.2023 has been drawn between the parties, a copy of which has been annexed as Annexure No.6 to this application.
6. This court vide order dated 18.10.2023 had directed the parties to appear before the court below and to file the compromise, which shall be verified in the presence of the parties and after verification, a report shall be submitted by the trial court.
7. Pursuant to the said order, both the parties appeared before the trial court on 21.10.2023 and filed the settlement-agreement made between the parties, which in presence of both the parties, was verified by the trial court and order dated 21.10.2023 has been passed clearly stating therein that the said compromise has been made with the consent of the parties without any coercion and undue influence, a copy of which has been filed as Annexure- SA-1 to the supplementary affidavit.

8. Learned counsel for the applicants has next submitted that in view of the said compromise and in order to maintain harmonious and cordial relations between the parties, entire proceedings against the applicant be quashed.

9. Learned counsel for opposite party no.2 has also appeared and has filed a short counter affidavit, wherein, in paragraph-3, the said compromise has been acknowledged. Further in paragraph-5, it has been stated that opposite party no.2 has no objection if the entire proceedings are quashed.

10. Learned AGA could not dispute the aforesaid facts..

11. This Court is not unmindful of the judgement of the Hon'ble Apex Court in the case of *Narindra Singh and others Vs. State of Punjab*, (2014) 6 SCC 466, *Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat* (2017) 9 SCC, 641, *Gian Singh Vs. State of Punjab* (2012) 10 SCC 303 and *State of M.P. Vs. Laxmi Narayanan* (2019) 5 SCC 688, wherein Hon'ble Apex Court has categorically held that compromise can be made between the parties even in respect of certain cognizable and non-compoundable offences. Reference may also be made to the decision given by this Court in *Shaifullah and others Vs. State of U.P. and another* [2013 (83) ACC 278], in which, law expounded by the Hon'ble Apex Court in the aforesaid cases has been explained in detail.

12. Considering the facts and circumstances of the case, as noted herein above, and also the submissions made by learned counsel for the parties, this Court is of the considered opinion that no useful purpose would be served by prolonging the proceedings of the above mentioned case.

13. Accordingly, the entire criminal proceedings of Case No.730 of 2022, (Case Crime No.514 of 2021), State versus Vinay Tiwari, pending in the Court of learned Chief Judicial Magistrate, Kannauj, under Sections 354, 323, 504 & 506 IPC, Police Station Kotwali Kannauj, District Kannauj, are hereby quashed.

14. This application under Section 482 CrPC is accordingly **allowed**.

Order Date :- 20.11.2023

I.A.Siddiqui