

Court No. - 92

Case :- APPLICATION U/S 482 No. - 20164 of 2023

Applicant :- Mahesh And 3 Others

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

Counsel for Applicant :- Amresh Bahadur Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta,J.

1. Supplementary affidavit filed on behalf of the applicants is taken on record.

2. Sri Anil Kumar Shukla, Advocate has put in appearance and has filed *Vakalatnama* on behalf of opposite party no.2, which is also taken on record.

3. Heard Sri Amresh Bahadur Tiwari, learned counsel for the applicants, Sri Anil Kumar Shukla, learned counsel for opposite party no.2 and Sri Pankaj Srivastava, learned A.G.A. for the State.

4. The instant application has been filed seeking quashing of charge-sheet no.269 of 2022 dated 26.09.2022 as well as proceedings of Case No.1999 of 2022, arising out of Case Crime No.413 of 2022, under Sections 323, 504, 506 and 308 IPC, Police Station Sadabad Kotwali, District Hathras, pending in the court of Chief Judicial Magistrate, Hathras on the basis of compromise arrived at between the parties.

5. Learned counsel for the applicants submits that vide order dated 21.03.2023 passed by this Court in Application u/s 482 No.5702 of 2023, the parties were permitted to get the compromise verified through the trial court. In terms of the said order dated 21.03.2023, the parties have filed the compromise before the trial court on 04.04.2023 and vide order dated 04.04.2023, learned trial court has verified the compromise between the parties in presence of the parties.

6. Learned counsel for the applicants and opposite party no.2 jointly submit that the instance case was lodged by the opposite party no.2 due to some dispute with regard to the recovery of amount advanced by opposite party no.2 to the applicant no.1 herein and now the parties have settled their dispute amicably and

executed the compromise which has been duly verified by the trial court to which the learned A.G.A. has no objection, the proceedings of the instant case are liable to be quashed by this Court.

7. Having heard the submissions made by the learned counsel for the parties and this Court has carefully perused the record of the case. Since the dispute between the parties was only with regard to the some financial transaction between them, which has been duly settled between the parties. The instant case was lodged due to some misconception and the applicants and opposite party no.2 are the resident of same village, therefore, in the view of the guidelines given by the Apex Court in **Narinder Singh & Ors. vs. State of Punjab, (2014) 6 SCC 466 : Prabatbhai Aahir Alias Prabatbhai Bhimsinghbhai Karmur and others vs. State of Gujarat and Another, (2017) 9 SCC 641** and **Gian Singh vs. State of Punjab and Another, (2012) 10 SCC 303**, the instant application deserved to be allowed as due to such settlement peace will prevail over in the society.

8. In view thereof, the instant application U/S 482 Cr.P.C. is accordingly allowed and the proceedings of Case No.1999 of 2022, arising out of Case Crime No.413 of 2022, under Sections 323, 504, 506 and 308 IPC, Police Station Sadabad Kotwali, District Hathras, pending in the court of Chief Judicial Magistrate, Hathras are hereby quashed.

Order Date :- 31.10.2023

Atul