

Court No. - 87

Case :- APPLICATION U/S 482 No. - 20521 of 2023

Applicant :- Mustakeem And Another

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

Counsel for Applicant :- Arvind Kumar

Counsel for Opposite Party :- G.A., Vijay Bahadur Shivhare

Hon'ble Neeraj Tiwari, J.

1. Heard learned counsel for the applicants, learned A.G.A. for the State and Sri Gaurav Mishra, Advocate, holding brief of Sri Vijay Bahadur Shivhare, learned counsel for the opposite party No. 2.

2. The present 482 Cr.P.C. application has been filed to quash the charge sheet dated 31.05.2021, summoning order dated 27.08.2022 as well as entire proceedings of Criminal Case No. 7286 of 2022(State Vs. Mustakeem and other), arising out of Case Crime No. 421 of 2020, under Sections- 308, 323, 504, 324 I.P.C., Police Station- Kannauj, District- Kannauj..

3. The case was heard on 07.06.2023 and the Court has passed the following order:-

"Heard Sri Arvind Kumar, learned counsel for the applicants, Sri Ram Babu Singh, learned counsel holding brief of Sri Vijay Bahadur Shivhare, learned counsel for the opposite party and learned AGA for the State.

Contention of learned counsel for the applicants is that both have entered into compromise and have settled their dispute amicably and they have also annexed copy of the compromise deed dated 31.03.2023. This fact was not disputed by learned counsel for the opposite party no.2. Therefore, applicants are directed to file the above compromise deed alongwith an affidavit before the CJM, Kannauj and who will verify the same after summoning the parties and after verification of the same, he will keep the copy of the compromise on record and issue certified copy of the verified compromise to the parties and same will be filed by the parties before this Court on the next date.

List on 26 July, 2023 in the additional cause list before the appropriate Bench.

Till the next date of listing, further proceeding of criminal case no.7286 of 2022, State Vs. Mustakeem and others, arising out case crime no.421 of 2020, under Sections-308, 323, 504, 324 IPC, Police Station-Kannauj, District-Kannauj, pending in the court of CJM, Kannauj, shall remain stayed"

4. Pursuant to order dated 07.06.2023, compromise has been verified by the trial Court vide order dated 20.06.2023 and the same has been received to this Court from Chief Judicial Magistrate, Kannauj vide letter dated 20.07.2023.

5. Sri Gaurav Mishra, Advocate, holding brief of Sri Vijay Bahadur Shivhare, 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**.

9. No order as to costs.

Order Date :- 12.10.2023

ADY