

Court No. - 87

Case :- APPLICATION U/S 482 No. - 20409 of 2023

Applicant :- Chand Alias Parvez And 3 Others

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

Counsel for Applicant :- Prem Chandra Dwivedi

Counsel for Opposite Party :- G.A., Mukesh Chandra Gupta, Shubham Prakash Gupta

Hon'ble Neeraj Tiwari, J.

1. Short counter affidavit alongwith certified copy of compromise filed today is taken on record.

2. Heard learned counsel for the applicants and learned A.G.A. for the State.

3. The present 482 Cr.P.C. application has been filed to quash the charge sheet dated 13.03.2022, cognizance order dated 01.06.2022 as well as entire proceedings of S.S.T. No. 826 of 2022, arising out of Case Crime No. 19 of 2022, under Sections- 323, 504, 506 I.P.C. and Section 3(2)(Va)/3(1)(Da/3(1)(Dha) SC/ST Act, Police Station- Tajganj, District- Agra, pending in the court of Special Judge (SC/ST Act), Agra.

4. The case was heard on 31.05.2023 and the Court has passed the following order:-

"1. List revised.

2. Heard Sri Prem Chandra Dwivedi, learned counsel for the applicants, Sri Shubham Prakash Gupta, learned counsel for the opposite party no. 2, Sri Ram Prakash Shukla, learned State counsel and perused the record.

3. Sri Shubham Prakash Gupta states that he has filed his vakalatnama in the office on 27.5.2023. The same is not on record. Office to trace out the same and place it on record by the next date.

4. Learned counsel for the applicants argued that the parties have entered into compromise which is dated 17.5.2023, copy of the said compromise is annexed as annexure no. 4 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 26.7.2023.

7. Till the next date of listing, no coercive action shall be taken against the applicants Chand alias Parvez, Bhaiye alias Sarfaraz, Munnu alias Irshad, Bablu alias Gauhar Khan in S.S.T. No. 826/2022, Case Crime No. 19 of 2022, u/s 323, 504, 506 I.P.C., and Sections 3(2)(Va)/3(1)(Da)/3(1)(Dha) S.C./S.T. Act, P.S. Tajganj, District Agra pending before the Special Judge (S.C./S.T. Act), Agra.

8. Office shall ensure the name of Sri Shubham Prakash Gupta, be printed in the cause list as counsel for the opposite party no. 2 when the matter is listed next."

5. Pursuant to order dated 31.05.2023, compromise has been verified by the trial Court vide order dated 22.06.2023 and the same has been received to this Court from Special Judicial (SC/ST Act), Agra vide letter dated 18.07.2023.

6. Learned A.G.A. has supported the case of the applicants and submitted that in case proceedings against the applicants is quashed, he would have no objection.

7. In view of the facts and circumstances of the case, the applicants and learned A.G.A. 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.

8. 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.

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

10. No order as to costs.

Order Date :- 12.10.2023

ADY