

Court No. - 87

Case :- APPLICATION U/S 482 No. - 20643 of 2023

Applicant :- Om Pratap Singh And 2 Others

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

Counsel for Applicant :- Himanshu Singh

Counsel for Opposite Party :- G.A.,Jitendra Kumar Saroj,Raj Kumar Yadav

Hon'ble Neeraj Tiwari,J.

1. Heard learned counsel for the applicants, learned A.G.A. for the State and 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 23.09.2021, cognizance order dated 11.11.2021, summoning order dated 10.01.2022 as well as entire proceeding of Case No.33125 of 2021, arising out of Case Crime No.097 of 2021, under Sections 498-A, 323, 354, 504, 506 I.P.C. and Section 3/4 D.P. Act, Police Station-Indrapuram, District Ghaziabad.

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

"1. List revised.

2. Sri Raj Kumar Yadav,, Advocate appears on behalf of the opposite party no.2 and states that he shall be filing his Vakalatnama in the office within a week.

3. Heard Sri Himanshu Singh, learned counsel for the applicants, Sri Raj Kumar Yadav, learned counsel for the opposite party no.2 and Sri B.B. Upadhyay, learned State counsel and perused the record.

4. Learned counsel for the applicants argued that the parties have entered into compromise which is dated 01.05.2023, copy of the said compromise is annexed as Annexure no.3 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 26th July, 2023.

7. Till the next date of listing, no coercive action shall be taken against the applicants- Om Pratap Singh, Dharmendra Singh and Moharshri Devi in Case No. 33125 of 2021 (State vs. Om Pratap Singh & others), arising out of Case Crime No. 097 of 2021, under Sections 498-A, 323, 354, 504, 506 I.P.C. and 3,4 D.P. Act, Police Station Indrapuram, District Ghaziabad, pending before the Chief Judicial Magistrate, District Ghaziabad. "

4. Pursuant to order dated 31.05.2023, compromise has been verified by the trial Court vide order dated 27.06.2023 and the same has been received to this Court from Chief Judicial Magistrate, Ghaziabad, vide letter dated 26.07.2023.

5. 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. Learned A.G.A. has also not disputed the aforesaid facts.

7. 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.

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**.

Order Date :- 1.12.2023

Amit/-