

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 8620 of 2023

Petitioner :- Sumit Kumar Yadav @ Chhotu 5 Others

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Vimal Dharm Yadav

Counsel for Respondent :- G.A., Riyajuddin Ansari

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Heard Shri Vimal Dharm Yadav, learned counsel for the petitioners, Shri Riyajuddin Ansari, learned counsel for the informant, Shri G.P. Singh, learned A.G.A. appearing for the State respondents.

2. This writ petition has been filed praying to quash the impugned First Information Report dated 17.7.2022 registered as Case Crime No.271 of 2022, under Sections 147, 452, 354 Kha, 323, 504, 506 IPC, at P.S. Sarai Inayat, District Allahabad.

3. Vide order dated 26.9.2023 the matter was referred to the mediation centre.

4. Perused the office report dated 11.10.2023 and the settlement agreement dated 5.10.2023 which indicates that matter has been peacefully settled between the parties and they have settled their differences on the terms mentioned in paragraph 6 of the settlement agreement dated 14.12.2021. The paragraph 6 is quoted as under:-

"6. The following settlement has been arrived at between the Parties hereto:-

a) That today i.e. 05.10.2023, Sumit Kumar Yadav @ Chhotu, Ravendra Kumar, Suraj Yadav @ Sukhendra Kumar Yadav, Rajendra Yadav (Petitioner Nos. 1, 2, 3 & 4 respectively) and Smt. Arti, Pinky Yadav (Respondent Nos. 4 & 5 respectively) are present and stated that they have amicably settled their dispute outside the court and in this regard they have produced a photocopy of Sandhi-Vilekh which has already been filed before the Hon'ble Court. The photocopy of the aforesaid Sandhi-Vilekh is annexed to the instant Settlement Agreement.

b) That it has been stated by the aforesaid parties that the Sandhi-Vilekh has been signed by all the petitioners and Respondent Nos. 4 & 5.

c) That the parties have reiterated and reaffirmed all the terms and conditions contains in the aforesaid Sandhi-Vilekh and the Respondent Nos. 4 & 5 shall have no objection, if the Hon'ble Court pleases to allow the Criminal Misc. Writ Petition No. 8620 of 2023.

d) That it has also been agreed between the parties that all civil and criminal cases filed by them against each other regarding present dispute shall be withdrawn by the parties concerned by taking appropriate steps before the Court/authority concerned.

e) That the parties will not file any fresh case against each other in respect of this dispute. They have no claim against each other in future also.

f) That it has been agreed between the parties that they shall not violate the terms and conditions of this settlement otherwise the aggrieved party will be free to take legal recourse."

5. It is submitted that as between the parties compromise had already taken place therefore, the impugned First Information Report dated 17.7.2022 registered as Case Crime No.271 of 2022, under Sections 147, 452, 354 Kha, 323, 504, 506 IPC, at P.S. Sarai Inayat, District Allahabad is liable to be quashed.

6. Thus, in view of the well settled principles of law as laid down by the Hon'ble Apex Court reported in **2003(4) SCC 675 (B.S. Joshi Vs. State of Haryana), J.T. 2008(9) SC 192 (Nikhil Merchant Vs. Central Bureau of investigation and another), (2012) 10 SCC 303 (Gian Singh Vs. State of Punjab), (2014) 9 SCC 653 (Yogendra Yadav and others Vs. State of Jharkhand) and also (2014) 6 SCC 466 (Narendra Singh Vs. State of Punjab)**, and in view of the settlement agreement dated 5.10.2023, the First Information Report dated 17.7.2022 registered as Case Crime No.271 of 2022, under Sections 147, 452, 354 Kha, 323, 504, 506 IPC, at P.S. Sarai Inayat, District Allahabad is hereby quashed.

7. The present petition is, accordingly, allowed.

Order Date :- 12.10.2023

Anil K. Sharma