

Court No. - 86

Case :- APPLICATION U/S 482 No. - 21049 of 2023

Applicant :- Umrao And 3 Others

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

Counsel for Applicant :- Madan Singh

Counsel for Opposite Party :- G.A., Sarvagya Singh

Hon'ble Rajiv Gupta, J.

1. Heard learned counsel for the applicants, learned AGA for the State, Shri Sarvagya Singh, learned counsel for the opposite party no. 2 and perused the record.

2. Learned counsel for the applicants has submitted that on account of trivial dispute over throwing of garbage outside the shop, there was sudden quarrel between the parties, in respect of which, criminal case have been registered from both the sides and in the said incident, both the sides have suffered injuries. From the side of opposite party no.2, as many as three persons have suffered injuries and Doctor has noted that all injuries are simple in nature except one injury of Suresh, which has been noted to be grievous in nature, however, author of the said injury has not been specified.

3. Learned counsel for the applicants has next submitted that subsequently, with the intervention of respected members of both the family and the society, the parties have amicably and genuinely settled their all disputes and differences and now, they do not have any grievance against each other.

4. Learned counsel for the applicants has next drawn the attention of the Court to the settlement agreement dated 29.04.2023 drawn between the parties, a copy of which has been annexed as Annexure 2 to this application.

5. This Court vide order dated 05.06.2023 had directed the parties to appear before the court below and to get the said settlement agreement verified. Pursuant to the said order, the parties appeared before the court below and in their presence, the settlement agreement has been verified and a

report dated 06.07.2023 has been forwarded to this Court.

6. Learned counsel for the applicants has next submitted that in view of the said settlement agreement drawn between the parties and in order to maintain harmonious and cordial relations between them, the entire proceedings be quashed.

7. Learned counsel for the opposite party no.2 has also appeared and has filed affidavit on behalf of opposite party nos.2 to 4 and in para 4 of the said affidavit, the settlement agreement has been acknowledged. Further in para 10, it has been categorically stated that opposite party nos.2 to 4 do not want to further pursue the criminal proceedings against the applicants and they have no objection, if the entire proceedings are quashed.

8. Learned AGA could not dispute the aforesaid facts.

9. This Court is not unmindful of the judgements of the Hon'ble Apex Court in the cases of:-

(i). *B.S. Joshi and others Vs. State of Haryana and another*, (2003) 4 SCC 675.

(ii). *Nikhil Merchant Vs. Central Bureau of Investigation*, (2008) 9 SCC 677.

(iii). *Manoj Sharma Vs. State and others*, (2008) 16 SCC 1.

(iv). *Gian Singh Vs. State of Punjab*, (2012) 10 SCC 303.

(v). *Narindra Singh and others Vs. State of Punjab*, (2014) 6 SCC 466.

10. Wherein Hon'ble Apex Court has categorically held that compromise can be made between the parties even in respect of certain cognizable and non-compoundable offences. Reference may also be made to the decision given by this Court in ***Shaifullah and others Vs. State of U.P. and another* [2013 (83) ACC 278]**, in which, law expounded by Hon'ble Apex Court in the aforesaid cases has been explained in detail.

11. Considering the facts and circumstances of the case, as noted herein above, and also the submissions made by learned counsel for the parties, this Court is of the

considered opinion that no useful purpose would be served by prolonging the proceedings of the instant case.

12. Accordingly, the entire proceedings of Case No. 9171 of 2023 (State Vs. Umrao and Others), arising out of Case Crime No. 505 of 2022, under Sections 452, 323, 324, 308, 504, 506 IPC, Police Station Bilari, District Moradabad, pending in the court of Additional Chief Judicial Magistrate-3rd, Moradabad, are hereby quashed.

13. This application under Section 482 CrPC is accordingly **allowed.**

Order Date :- 17.10.2023

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