

Court No. - 87

Case :- APPLICATION U/S 482 No. - 244 of 2006

Applicant :- Bachchu Singh

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

Counsel for Applicant :- Umesh Chandra Mishra, K.C. Pandey

Counsel for Opposite Party :- Govt. Advocate, Keshawa Prasad Pandey, Pankaj Baranwal, Pankaj Barnwal

Hon'ble Neeraj Tiwari, J.

Ref:- Criminal Misc. Delay Condonation Application No. 4 of 2021

1. Heard Sri K. C. Pandey, learned counsel for the applicant, learned A.G.A. for the State and Sri Pankaj Barnwal, learned counsel for the opposite party No. 2.

2. In view of the averments made in the affidavit filed in support of the application under Section 5 of the Limitation Act, I am satisfied that the applicant was prevented by sufficient cause from preferring the Application within the period of limitation.

3. The application is, accordingly, allowed and the delay in filing the Recall application is condoned.

Ref:-Criminal Misc. Restoration/Recall Application No. 3 of 2022

1. This is an application for recalling the order dated 06.03.2023 dismissing the **Application** in default.

2. In view of the averments made in the affidavit filed in support of the application, the application is allowed. The order dated 06.03.2023 is recalled and the **Application** is restored to its original number.

Order on Application

1. Heard learned counsel for the parties.

2. Present 482 Cr.P.C. application has been filed to set aside the order dated 20.12.2005 passed in S.T. No. 150 of 2005 (State Vs. Pramod Kumar), Under Section 307 I.P.C.

3. Learned counsel for the applicant submitted that earlier, a criminal proceeding was initiated by opposite party No. 2 against her husband, namely Pramod Kumar (applicant in Application U/s 482 No. 7867 of 2017) and co-accused Bacchu Singh (applicant in the present application), being S.T. No. 150 of 2005. He next submitted that during the pendency of trial, applicant-Bacchu Singh was also summoned under Section 319 Cr.P.C. He next submitted that now opposite party No. 2 and co-accused Pramod Kumar, have entered into compromise on 08.03.2017. He next submitted that on the basis of compromise criminal proceeding against Pramod Kumar has been quashed by this Court vide order dated 16.11.2023 passed in Application U/s 7867 of 2017. He next submitted that since Bacchu Singh is also a co-accused in S.T. No. 150 of 2005, therefore, in light of order dated 16.11.2023 passed in Application U/s 7867 of 2017 on the basis of compromise, present criminal proceeding against applicant-Bacchu Singh may also be quashed.

4. Learned counsel for the opposite party No. 2 has not objected the aforesaid facts and submitted that in case proceedings against the applicant is quashed, he would have no objection.

5. In view of the facts and circumstances of the case, the applicant 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.

6. 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.

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

8. No order as to costs.

Order Date :- 16.11.2023

ADY