

Court No. - 87

Case :- APPLICATION U/S 482 No. - 21710 of 2023

Applicant :- Smt. Durga Devi And 5 Others

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

Counsel for Applicant :- Shahroze Khan, Mohammad Zafar Yab Khan

Counsel for Opposite Party :- G.A.

Hon'ble Neeraj Tiwari, J.

1. Heard learned counsel for the applicants and learned AGA for the State.

2. The present application under section 482 Cr.P.C. has been filed for quashing the proceedings of Criminal Case No.718 of 2019 (State Vs. Ram Teerath and others), arising out of Case Crime No.822 of 2017, under Sections 147, 452, 323, 504, 506, 427 I.P.C. Police Station- Dumariaganj, District Siddharth Nagar, pending in the court of Chief Judicial Magistrate, Siddharth Nagar and also quash the charge sheet dated 14.10.2017 and cognizance order dated 01.03.2019.

3. The case was heard on 09.06.2023 and Court has passed the following order:-

"1. Heard learned counsel for the applicants and learned A.G.A. for the State.

2. Learned counsel for the applicants submits that the parties have entered into compromise before the court below and the compromise application has already been filed before the court below in April, 2023 but the same has not been verified till date.

3. Court below is directed to verify the compromise and it shall pass appropriate order thereon.

4. Put up this case on 25.09.2023 as fresh.

5. Learned counsel for the applicants will file the copy of decision taken by court below before this court by the next date fixed.

6. Till the next date of listing, the proceedings of Criminal Case No.718 of 2019 (State Vs. Ram Teerath and others), arising out of Case Crime No.822 of 2017, under Sections 147, 452, 323, 504, 506, 427 I.P.C. Police Station- Dumariaganj, District Siddharth Nagar, pending in the court of Chief Judicial Magistrate, Siddharth Nagar, shall remain stayed against the

applicants. "

4. In compliance of order of this Court dated 09.06.2023, Chief Judicial Magistrate, Siddharth Nagar has submitted its report dated 01.08.2023 verifying the compromise entered between the parties on 31.07.2023.

5. Learned counsel for applicants submitted that parties have entered into compromise and no dispute is remain between the parties as on date. Therefore, in light of compromise, present proceeding may be quashed.

6. Learned A.G.A. has not disputed the aforesaid facts and submitted that in case present proceeding is quashed, he would have no objection.

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**.

10. No order as to costs.

Order Date :- 12.10.2023

Sartaj