

Court No. - 87

Case :- APPLICATION U/S 482 No. - 30690 of 2023

Applicant :- Mudit Chandra Srivastava And Another

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

Counsel for Applicant :- Vinay Kumar Singh Chandel

Counsel for Opposite Party :- G.A., Arun Kumar Tripathi

Hon'ble Neeraj Tiwari, J.

1. Heard learned counsel for the applicants and learned A.G.A. for the State and Sri Arun Kumar Tripathi, 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 08.06.2021 in respect of applicant No. 1, cognizance order dated 11.06.2021, charge sheet dated 06.03.2022 in respect of applicant No. 2 as well as entire proceedings of Case No. 466 of 2021(State Vs. Piyush Arora and others), arising out of case crime No. 543 of 2019, under Sections- 420, 467, 468, 471 I.P.C., Police Station- Khoda, District- Ghaziabad, pending in the court of learned Judicial Magistrate, Ghaziabad.

3. The case was heard on 22.08.2023 and the Court has passed the following order:-

"1. Sri Arun Kumar Tripathi, advocate has filed vakalatnama on behalf of opposite party no. 2, which is taken on record.

2. Heard learned counsel for the applicants, learned A.G.A. for the State, Sri Arun Kumar Tripathi, learned counsel for the opposite party no.2.

3. The present 482 Cr.P.C. application has been filed to quash the entire proceeding of Case No. 466 of 2021 (State vs. Piyush Arora & others) arising out of case crime no. 543 of 2019, under Sections 420, 467, 468, 471 IPC, Police Station- Khoda, District Ghaziabad on the basis of compromise dated 14.11.2022.

3.Learned counsel for the applicants submitted that now the parties have entered into compromise on 14.11.2022 and the said compromise has also been filed before the trial Court, but till date no verification report has been received from the trial Court.

3. In such view of the matter, learned Judicial Magistrate, Ghaziabad is directed to verify the compromise filed before the Court and submit verification report maximum within four weeks.

5. List this case on 3.10.2023.

6. Till then, no coercive action shall be taken against the applicants."

4. Pursuant to order dated 22.08.2023, compromise has been verified by the trial Court vide order dated 29.09.2023 and the same has been received to this Court from Judicial Magistrate-Ist, Ghaziabad vide letter dated 29.09.2023.

5. Sri Arun Kumar Tripathi, learned counsel for the opposite party No. 2 has supported the case of the applicants and submitted that in case proceedings against the applicants is quashed, he would have no objection.

6. 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.

7. 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.

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

9. No order as to costs.

Order Date :- 6.11.2023

ADY