

Court No. - 69

Case :- APPLICATION U/S 482 No. - 23271 of 2023

Applicant :- Ved Prakash @ Vedram And 4 Others

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

Counsel for Applicant :- Vipul Kumar Dubey, Manoj Kumar Dubey

Counsel for Opposite Party :- G.A., Sanjay Kumar Sharma

Hon'ble Samit Gopal, J.

1. List revised. No one appears on behalf of the applicants to press this application under Section 482 Cr.P.C. despite the fact that there are two learned counsels appearing in the matter.

2. Heard Sri Sanjay Kumar Sharma, learned counsel for the opposite party no.2, Sri Ram Prakash Shukla, learned counsel for the State and perused the records.

3. The present application under Section 482 Cr.P.C. has been filed by the applicants Ved Prakash @ Vedram, Pan Singh, Beerval, Sukhiya and Pannu Lal with the following prayers:

"It is, therefore most respectfully prayed that this Hon'ble Court may graciously be pleased to quash the impugned cognizance order dated 03.05.2023 arising out of impugned chargesheet No.65/2022 dated 16.03.2022 arising out of Case No. 16469/2023 (State Vs Vedram and others) having Case crime No.74/2022 under section 498A,323,504,506 IPC & 3/4 D.P. Act, Police Station Bilari, District Moradabad, Pending before Judicial Magistrate, Moradabad.

It is further prayed that this Hon'ble court may kindly be pleased to stay the cognizance order dated 03.05.2023 arising out of impugned chargesheet No.65/2022 dated 16.03.2022 arising out of Case No.16469/2023 (State Vs Vedram and others) having Case crime No.74/2022 under section 498A,323,504,506 IPC & 3/4 D.P. Act, Police Station Bilari, District Moradabad, Pending before Judicial Magistrate, Moradabad.

It is also further prayed that this Hon'ble court may kindly be pleased to stay the further proceeding of Case No.16469/2023 (State Vs Vedram and others) having Case crime No.74/2022

under section 498A,323,504,506 IPC & 3/4 D.P. Act, Police Station Bilari, District Moradabad, Pending before Judicial Magistrate, Moradabad.

And/Or to pass any order which this Hon'ble Court may deem fit and proper in the circumstances of the case."

4. The matter was referred to the Mediation Centre of this Court vide order dated 07.07.2023 for making an effort between the parties for settling their disputes amicably.

5. As per the office report dated 16.11.2023, a report from the Mediation Centre of this Court is on record.

6. As per report of Mediation Centre dated 03.10.2023 the parties have entered into a settlement dated 03.10.2023 and have amicably settled their dispute and further agreed to withdraw the cases going on between them.

7. From perusal of the report of Mediation Centre of this Court, it appears that in pursuance of the said order the mediation proceedings were taken up which ended in a settlement dated 03.10.2023 between the parties and the Mediation succeeded. The parties have settled their grievances and even the dispute arising in the present matter. The parties have decided to reunite and live together as husband and wife and also agreed to withdraw the cases going on between them, the said fact is mentioned in para 7-a and 7-f of the said mediation report.

8. The law with regards to quashing of a case on the basis of settlement arrived between the parties, is well settled. The Apex Court in the cases of **(1) B.S. Joshi and others Vs. State of Haryana and another: (2003)4 SCC 675; (2) Nikhil Merchant Vs. Central Bureau of Investigation : (2008) 9 SCC 677; (3) Manoj Sharma Vs. State and others: (2008) 16 SCC 1; (4) Gian Singh Vs. State of Punjab: (2012) 10 SCC 303; (5) Shaifullah and others Vs. State of U.P. And another: 2013 (83) ACC 278 and (6) Parbatbhai Ahir@Parbatbhai @ Bhimsinbhai Karmur and others Vs. State of Gujarat and another: (2017) 9 SCC 641** has held that the cases in which the parties have settled their grievances can be quashed.

9. From perusal of the records and the law laid down by the Apex Court on the subject matter, the present case is a good case for exercising powers by this Court to quash the proceedings as prayed for by the applicant(s).

10. The present application is **allowed**.

11. The cognizance order dated 03.05.2023 as well as chargesheet No.65/2022 dated 16.03.2022 passed in the aforesaid case are hereby quashed.

Order Date :- 17.11.2023

M. ARIF

(Samit Gopal, J.)