

Court No. - 88

Case :- APPLICATION U/S 482 No. - 23382 of 2023

Applicant :- Kavindra Chauhan And 2 Others

Opposite Party :- State Of U.P.And Another

Counsel for Applicant :- Rajiv Sisodia,Mohd. Naushad,Virendra Singh Tomar

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh,J.

Heard learned counsel for the applicants, learned Additional Government Advocate for the State/opposite party no.1 and perused the record.

As per report of Chief Judicial Magistrate, Amroha dated 25.07.2023, notice issued to opposite party no. 2 has been served upon him but despite service of notice, no one has put in appearance on his behalf.

This application under Section 482 Cr.P.C. has been filed by the applicants with a prayer to quash the summoning order dated 03.03.2022 and proceedings of complaint case no. 64 of 2021 (*Chhote Lal Jatav vs. Kavindra Chauhan*), under Section 323 I.P.C. and Section 3(1)(DH) SC/ST Act, Police Station Hasanpur, District Amroha pending in the Court of Additional Session Judge/Special Judge (SC/ST) Act, Amroha.

It is submitted by learned counsel for the applicants that the opposite party no. 2 moved an application under Section 156(3) Cr.P.C. dated 06.09.2021 against the applicants seeking direction to lodge an F.I.R. against them. The said application was treated as a complaint and the concerned Magistrate, after recording the statement under Section 200 and 202 Cr.P.C., summoned the applicants vide order dated 03.03.2022 under Sections 323 I.P.C. and Section 3(1)(DH) SC/ST Act to face trial. It is next pointed out that thereafter, the parties concerned have settled their dispute by way of compromise on 15.04.2022. The applicants had preferred an application under Section 482 Cr.P.C. No. 11837 of 2022, which was disposed of vide order dated

04.07.2022 directing the concerned court below to verify the said compromise and liberty was also given to the applicants to approach this Court again for quashing of the proceedings. In compliance of order dated 04.07.2022, both the parties concerned (applicants and opposite party no. 2) appeared before the concerned court below and a compromise application between the parties concerned has been verified by Special Judge, SC/ST Act, Amroha vide order dated 10.08.2022. Certified copy of the same has also been brought on record as Annexure No. 2 to the affidavit.

On the strength of aforesaid facts, it is submitted that on account of compromise arrived at between the parties concerned, all disputes between them have come to an end, therefore continuance of criminal proceedings pursuant to impugned complaint against the applicants after compromise between them would be a futile exercise and the same is liable to be quashed by this Court.

Learned Additional Government Advocate did not dispute the aforesaid facts as argued on behalf of the applicants.

After having heard the arguments of learned counsel for the parties, I find that after compromise/settlement arrived at between the parties in the present case, the chance of ultimate conviction is bleak and therefore, no useful purpose is likely to be served by allowing a criminal prosecution against the applicants to continue, as the same would be futile exercise and a sheer wastage of precious time of the Court. The continuation of a criminal proceedings after compromise would cause oppression and prejudice to the parties concerned. If the parties concerned wants to bury the hatchet and are willing to move on in personal dispute on the basis of compromise, they may be allowed to compound the offences in terms of settlement, because in such circumstances the proceedings can hardly be taken to their logical culmination and, the prospect of conviction gets lost.

Considering the facts and circumstances of the case in the light of dictum and guidelines laid

down by the Apex Court in the case of **Ramawatar vs State of Madhya Pradesh** AIR 2021Supreme Court 5228, this Court feels that this is a fit case, where this Court can exercise its inherent power to secure the end of justice. In the case in hand interest of justice would be met, if the prayer of parties is acceded to and the criminal proceedings and other litigation between the parties is brought to an end.

In view of the above, the aforesaid criminal proceedings against the applicants are hereby quashed.

The instant application under Section 482 Cr.P.C. is **allowed** in terms of compromise as mentioned above.

Office is directed to send a copy of this order to the opposite party no. 2 for necessary information.

Order Date :- 20.11.2023

Saurabh