

Court No. - 91

Case :- APPLICATION U/S 482 No. - 23301 of 2023

Applicant :- Mukesh Kumar Chandra

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

Counsel for Applicant :- Pavan Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar,J.

1. Heard Sri Pavan Kumar, learned counsel for the applicant and learned AGA for the state.

2. This application under Section 482 Cr.P.C. has been filed with the prayer to quash the entire proceeding of Criminal Case No. 8969 of 2018 (State Vs. Mukesh Kumar Chandra) in connection with Case Crime No. 172 of 2015, under Sections 498-A, 323 I.P.C. and Section 3/4 of the D.P. Act, Police Station Mahila Thana, District Moradabad on account of compromise dated 26.08.2021 between the parties.

3. Pursuant to order dated 11.12.2021, the parties appeared before the court below for verification of settlement / compromise, who were duly identified by their counsel's, while verifying the compromise / settlement dated 26.08.2021.

4. It is submitted by learned counsel for the applicant that it is a property dispute and all the disputes and differences have been settled between the parties. At this stage, learned counsel further submitted that continuation of the proceedings of the aforesaid case will be an abuse of process of law. No fruitful purpose would be served by keeping the matter pending. In support of his contention, learned counsel for the applicant has also placed reliance on the law laid down by Apex Court in **Gian Singh vs. State of Punjab, (2012), 10 SCC 303, B.S. Joshi and others vs. State of Haryana and another, (2003) 4 SCC 675 and Madan Mohan Abbot vs. State of Punjab, (2008) 4 SCC 582.**

5. On the other hand, learned AGA submits that since the dispute between the parties has been settled, opposite party no.2 has no objection if the proceedings of the aforesaid complaint case pending before the trial court is quashed.

6. I have considered the submissions made by the learned counsel for the parties and have gone through the entire record.

7. In all the aforesaid cases, the Apex Court has laid down the law that criminal proceedings may be quashed even in non-compoundable cases by the High Court in exercise of its extraordinary jurisdiction to restore peace between the parties and in case the justice so demands. According to Hon'ble Supreme Court, if the offence involve private dispute between the parties of commercial nature or matrimonial dispute and it is not related to heinous offence, the proceedings may be quashed.

8. Since the dispute between the parties has been amicably and mutually settled, no fruitful purpose would be served by permitting to continue the criminal case pending before the trial court and it would simply be a waste of time if the aforesaid case is permitted to continue till its logical conclusion.

9. In view of the above, the Application u/s 482 Cr.P.C. is **allowed**.

10. The entire proceedings of Case Crime No. 172 of 2015, under Sections 498-A, 323 I.P.C. and Section 3/4 of the D.P. Act, Police Station Mahila Thana, District Moradabad against the applicant are quashed in terms of compromise arrived at between the parties.

Order Date :- 22.11.2023

Imtiyaz