

Court No. - 69

Case :- APPLICATION U/S 482 No. - 23889 of 2023

Applicant :- Azeem Tarik And Another

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

Counsel for Applicant :- Gyanendra Singh, Diwakar Tiwari

Counsel for Opposite Party :- G.A., Shyam Kumar Verma

Hon'ble Samit Gopal, J.

1. List revised.

2. Heard Sri Gyanendra Singh, learned counsel for the applicants, Sri Shyam Kumar Verma, learned counsel for the opposite party no.2, Sri Ajay Singh, learned A.G.A.I for the State and perused the records.

3. The present application under Section 482 Cr.P.C. has been filed by the applicants Azeem Tarik and Smt. Naseem Begum with the prayer to allow the present application and quash the entire proceeding including charge sheet dated 15.10.2021 as well as cognizance/summoning order dated 12.11.2021 passed by C.J.M. Banda in Case No.10891/Nau/2021 (State Vs. Azeem Tarik and others) arising out of Case Crime No.420 of 2021, under Section 498-A, 504, 506 IPC and Section 3/4 of D.P. Act, Police Station Kotwali Nagar, District Banda pending in the court of Chief Judicial Magistrate, Banda and with the further prayer to stay the further proceedings of aforesaid case, during the pendency of present application.

4. The matter was referred to the Mediation Centre of this Court vide order dated 6.7.2023 for making an effort between the parties for settling their disputes amicably.

5. As per the office report dated 3.10.2023, a report from the Mediation Centre of this Court is on record.

6. As per report of Mediation Centre dated 3.9.2023, the parties 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 3.9.2023 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 agreed to withdraw the cases going on between them, the said fact is mentioned in para 7(d) 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 entire proceedings of the aforesaid case, Charge Sheet as well as cognizance order passed in the aforesaid case are hereby quashed.

(Samit Gopal, J.)

Order Date :- 12.12.2023

Gaurav Kuls