

Court No. - 89

Case :- APPLICATION U/S 482 No. - 26204 of 2023

Applicant :- Riyaz And 4 Others

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

Counsel for Applicant :- Omar Zamin

Counsel for Opposite Party :- G.A.,Sudhanshu Srivastava

Hon'ble Deepak Verma,J.

1. Supplementary affidavit filed by learned counsel for the applicants and short-counter affidavit filed by the counsel for the opposite party no. 2, are taken on record.

2. Heard learned counsel for the applicants, learned counsel for the opposite party no. 2 and learned A.G.A. for the State.

3. This application under Section 482 Cr.P.C. has been filed by the applicant to quash the Charge sheet dated 24.01.2019 alongwith Cognizance order dated 25.02.2019 as well as entire proceedings of Session Trial No. 143 of 2019 (State of U.P. vs. Yaseen and others), arising out of Case Crime No. 2426 of 2018, under Sections 147, 148, 149, 307, 504, 506, 452 IPC, Police Station-Loni, District- Ghaziabad, pending in the Court of A.C.J.M., Court No. 1, Ghaziabad.

4. Counsel for the applicants submits that both the parties have amicably settled their disputes out of court and entered into a compromise. He next submits that opposite party no. 2 does not want to proceed any further with the case, therefore, proceedings of the aforesaid case should be quashed in terms of the compromise entered into between the parties.

5. Learned counsel appearing for the opposite party no.2 does not dispute the correctness of the submission made by learned counsel for the applicants or the correctness of the documents relied upon by him. He submits that opposite party no. 2 has no objection, if the proceedings in the aforesaid case are quashed.

6. Considered the submissions made by counsel for the parties and perused the entire record. From perusal of record, it is apparent that examination of prosecution witnesses have been closed and now Trial Court is examining the defense witnesses. From perusal

of record, it is also evident that P.W.2 and injured witness, P.W.3 have been declared hostile but P.W.1 has given statement against the applicants. Since, proceedings before the Trial Court is on the verge of conclusion, hence, this Court is not inclined to interfere in the present case as counsel for the applicants and counsel for the opposite party no. 2 have prayed to set-aside the proceedings in terms of the compromise entered into between the parties.

7. However, since examination of defense witnesses is going on, the trial court is directed to conclude the trial of the aforesaid case in accordance with law, as expeditiously as possible, after hearing both the parties, preferably within a period of four months from the date of production of a certified copy of this order, if there is no other legal impediment.

8. With the aforesaid observations/directions, this application under Section 482 Cr.P.C. stands **disposed of**.

Order Date :- 16.10.2023

Aditya