

Court No. - 87

Case :- APPLICATION U/S 482 No. - 26110 of 2018

Applicant :- Ramesh Chandra And Another

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

Counsel for Applicant :- Sudhir Kumar Srivastava, Rahul Kumar Sharma, Shivajee Srivastava

Counsel for Opposite Party :- G.A., Arvind Kumar Tiwari

Hon'ble Neeraj Tiwari, J.

1. Supplementary affidavit filed today be taken on record.
2. Heard learned counsel for the applicants, learned AGA for the State and Sri Arvind Kumar Tiwari, learned counsel for the opposite party no.2.
3. Case was heard on 17.2.2023, Court has passed the following order:-

"Heard Sri Rahul Kumar Sharma, learned counsel for the applicants, Sri Arvind Kumar Tiwari, learned counsel for opposite party no. 2, learned A.G.A for the State and perused the record.

This application has been moved with the prayer to quash the summoning order dated 17.04.2018 passed by Civil Judge (Junior Division) / Judicial Magistrate, Hathras, as well as Complaint Case No. 22 of 2018 (Mona Singhal Vs. Ramesh Chandra and another), under Sections 354, 323, 504 I.P.C, Police Station - Kotwali Hathras, District Hathras, pending in the Court of Civil Judge (Junior Division) / Judicial Magistrate, Hathras on the basis of Compromise between the parties dated 10.12.2021.

Learned counsel for the applicants states that matter has been compromised between the parties. He further states that the compromise dated 10.12.2021 (Annexure-S.A-1) has been filed before the court below but same has not been verified as yet by the learned court below.

On these facts, the parties have arrived for some amicable settlement regarding which compromise duly arrived at between the parties is pending verification before learned court below and, therefore, it would be in the interest of justice to protect the right of the applicants pending final disposal of the matter. Learned counsel also submits that as the parties have entered into amicable settlement, there is no likelihood of conviction in the matter.

As an interim measure, till the next date of listing, no coercive action shall be taken against the applicants.

However, learned counsel for the applicants, as prayed, is granted three weeks time to get the compromise deed (Annexure-SA-1) verified from the court below and file a certified copy thereof, on or before the next date of listing before this Court.

List on 31.03.2023, as fresh in top ten cases."

4. Learned counsel for the applicants has produced the certified copy of order of compromise dated 12.4.2023, which is taken on record. He next submitted that compromise deed dated 10.12.2021 entered between the parties has been verified by the Court below vide order dated 12.4.2023 and in light of aforesaid facts, proceedings may be quashed.

4. Sri Arvind Kumar Tiwari, learned counsel for the opposite party no.2 has not disputed the aforesaid facts and also submitted that in case aforesaid proceeding is quashed, he would have no objection.

5. In view of above, the applicants and opposite party no. 2 do not want to pursue the case any further as stated by them. The matter has been mutually settled between the parties, therefore, no useful purpose would be served in proceeding with the matter further.

6. Thus in view of the well settled principle of law as laid down by the Hon'ble Apex Court in the matters of **Krishnappa & Ors. vs. State of Karnataka; 2021 0 Supreme(SC) 529, Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and Ors. vs. State of Gujarat and another; 2017 9 SCC 641, B.S. Joshi Vs. State of Haryana; 2003(4) SCC 675, Nikhil Merchant Vs. Central Burea of Investigation and another; (2008) 9 Supreme Court Cases 677, Gian Singh Vs. Stated of Punjab; (2012) 10 SCC 303 and Narinder Singh & others Vs. State of Punjab and another; (2014) Supreme Today 642**, summoning order dated 17.04.2018 passed by Civil Judge (Junior Division) / Judicial Magistrate, Hathras, as well as Complaint Case No. 22 of 2018 (Mona Singhal Vs. Ramesh Chandra and another), under Sections 354, 323, 504 I.P.C, Police Station - Kotwali Hathras, District Hathras, pending in the Court of Civil Judge (Junior Division) / Judicial Magistrate, Hathras are hereby quashed.

7. The present application is, accordingly **allowed**. No order as to costs.

Order Date :- 17.11.2023

Junaid