

Court No. - 84

Case :- CRIMINAL APPEAL No. - 6930 of 2023

Appellant :- Shiv Kumar Mishra And 5 Others

Respondent :- State of U.P. and Another

Counsel for Appellant :- Aditya Prasad Mishra

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sadhna Rani (Thakur),J.

Learned counsel for the appellants and learned counsel for opposite party no. 2 are present.

In compliance of order dated 06.09.2023 the supplementary affidavit has been filed by the learned counsel for the appellants, along with certified copy of the compromise between the parties and the certified copy of the verification order passed thereon by the trial court on 19.08.2023. The photocopy of the challan depositing Rs. 75,000/- with the bank is also placed before the court. The original copy of this challan is shown in the court, which shows that Rs. 75,000/- received as compensation by the victim have been deposited back by him in the State exchequer. From the certified copy of the compromise deed and the verification order passed thereon it is clear that the parties have arrived at a compromise and their compromise has been verified by the trial court.

As except sections under SC/ST Act, the dispute between the parties is personal in nature and as per order of this court the compromise between the parties has been verified by the trial court, hence, the certified copy of the compromise deed and the certified copy of the verification order dated 19.08.2023 passed thereon are hereby **accepted**. The certified copy of the compromise deed along with certified copy of the order passed thereon by the trial court shall form part of this order.

The present appeal is decided on the basis of compromise. The impugned order dated 27.03.2023 is hereby set aside. The proceedings of Special Sessions Trial No. 178 of 2023 arising out of Case Crime No. 155 of 2022 (State Vs. Shiv Kumar Mishra and others) under Sections 147, 149, 308, 323, 504, 506 IPC & 3(2)(va), 3(1)(d) and 3(1)(dha) SC/ST Act, Police Station Shivkuti, District Prayagraj, are hereby **quashed** against the appellants; Shiv Kumar Mishra, Pawan Kumar Mishra, Rohit Mishra, Smt. Sadhana Mishra, Smt. Niharika Mishra and Nirmal Mishra.

The appeal is **allowed**.

Order Date :- 20.11.2023

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