

Court No. - 86

Case :- APPLICATION U/S 482 No. - 25147 of 2022

Applicant :- Shankar Singh And 3 Others

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

Counsel for Applicant :- Vikas Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Rajiv Gupta,J.

1.Supplementary affidavit filed on behalf of the applicants today in Court, is taken on record.

2.Heard learned counsel for the applicants, learned AGA for the State, Shri D.K. S. Chandel, learned counsel for the opposite party no.2 and perused the record.

3.This application under Section 482 Cr.P.C. has been filed with the prayer to quash the entire criminal proceedings of Case No. 1857 of 2015 (State of U.P. Vs. Shankar Singh and others) arising out of Case Crime No.193 of 2014, under Sections 323, 504, 506, 452 IPC and 7 Criminal Law Amendment Act, Police Station-Kotwali, District-Jhansi, pending in the court of Chief Judicial Magistrate, Jhansi.

4.Learned counsel for the applicants has submitted that applicants and opposite party No. 2 are next door neighbours and on account of some misunderstanding and misgivings, the present criminal case has been instituted against the applicants, however with the intervention of respected members of both the family and society, parties have amicably and genuinely settled all their disputes and differences and now they do not have any grievance against each other.

5. Learned counsel for the applicants has next drawn the attention of the Court to a settlement-agreement dated 27.7.2022 drawn between the parties, a copy of which has been annexed as Annexure No. 4 to this application.

6. This court vide order dated 29.8.2022 had directed the parties to appear before the court below and to get the said compromise verified. Pursuant to the said order dated 29.8.2022, both the parties appeared before the court below and in presence of the parties, the said compromise has been verified and a verification

report dated 13.9.2022 has been forwarded to this Court, a copy of which has been filed as Annexure- SA-2 to the supplementary affidavit.

7. Learned counsel for the applicants has next submitted that in view of the compromise made between the parties, which has already been verified by the court below, entire proceedings be quashed against the applicants.

8. Learned counsel for the opposite party no.2 has also appeared and has acknowledged the said compromise and has further stated, on instructions, that opposite party No. 2 has no objection, if the entire proceedings are quashed.

9. This Court is not unmindful of the judgement of the Hon'ble Apex Court in the case of **Narindra Singh and others Vs. State of Punjab, (2014) 6 SCC 466, Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat (2017) 9 SCC, 641, Gian Singh Vs. State of Punjab (2012) 10 SCC 303 and State of M.P. Vs. Laxmi Narayanan (2019) 5 SCC 688**, wherein Hon'ble Apex Court has categorically held that compromise can be made between the parties even in respect of certain cognizable and non compoundable offences. Reference may also be made to the decision given by this Court in **Shaifullah and others Vs. State of U.P. and another [2013 (83) ACC 278]**, in which the law expounded by the Apex court in the aforesaid cases has been explained in detail.

10. Considering the facts and circumstances of the case, as noted herein above, and also the submissions made by the counsel for the parties, the court is of the considered opinion that no useful purpose shall be served by prolonging the proceedings of the above mentioned case.

11. Accordingly, the entire proceedings of Case No. 1857 of 2015 (State of U.P. Vs. Shankar Singh and others) arising out of Case Crime No.193 of 2014, under Sections 323, 504, 506, 452 IPC and 7 Criminal Law Amendment Act, Police Station-Kotwali, District-Jhansi, pending in the court of Chief Judicial Magistrate, Jhansi, are hereby quashed.

12. This application under Section 482 CrPC is accordingly allowed.

Order Date :- 6.11.2023

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