

Court No. - 69

Case :- APPLICATION U/S 482 No. - 25925 of 2023

Applicant :- Jagdish Prasad Toumar And Another

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

Counsel for Applicant :- Vijay Kumar Dwivedi, Gagan Mohan

Counsel for Opposite Party :- G.A., Rajesh K.S. Chaudhary

Hon'ble Samit Gopal, J.

1. List revised.

2. Heard Sri Vijay Kumar Dwivedi, learned counsel for the applicants, Sri Rajesh K.S. Chaudhary, learned counsel for the opposite party no.2, Sri Ajay Singh, learned A.G.A-1 for the State and perused the records.

3. The present application under Section 482 Cr.P.C. has been filed by the applicants Jagdish Prasad Toumar and Ajay Kumar Tomar with the following prayers:

"It is, therefore, Most Respectfully prayed that this Hon'ble court may graciously be pleased to quash/Set-aside to the Judgment and order dated 09.06.2023 passed by the Additional District/Session Judge First court, Court No.2 Aligarh in Criminal Revision No.45 of 2023 (Jagdish Prasad Toumar and Another Vs. State of U.P and Another) as well as Judgment and order dated 24.01.2023 Passed by the court of Judicial Magistrate Iglas Aligarh in Protest Petition treated/registered as Criminal Case No. 167 of 2023 (Sahab Singh Vs. Jagdish and Another) arising out of Final Report No. 19 of 2021 dated 09.02.2021 which submit in Case Crime No. 0364 of 2020 Under Section 420, 406, 504, 506 I.P.C at Police Station Iglas District-Aligarh.

It is, further prayed that this Hon'ble court may graciously be pleased to Stay to the effect and operation of the Judgment and order dated 09.06.2023 passed by the Additional District/Session Judge First court, Court no.2 Aligarh in Criminal Revision No.45 of 2023 (Jagdish Prasad Toumar and Another Vs. State of U.P and Another) as well as Judgment and order dated 24.01.2023 Passed by the court of Judicial Magistrate Iglas Aligarh in Protest Petition treated/registered as Criminal Case No. 167 of 2023 (Sahab Singh Vs. Jagdish and Another) arising out of Final Report No. 19 of 20221 dated 09.02.2021 which submit in Case Crime No. 0364 of 2020

Under Section 420, 406, 504, 506 I.P.C at Police Station Iglas District-Aligarh as well as entire criminal proceeding to the Criminal Case No. 167 of 2023 (Sahab Singh Vs. Jagdish and Another) which set up/registered on protest petition which arising out of Final Report No. 19 of 2021 dated 09.02.2021 which submit in Case Crime No. 0364 of 2020 Under Section 420, 406, 504, 506 I.P.C at Police Station Iglas District-Aligarh, during the pendency of this application before this Hon'ble court, otherwise the Applicants shall suffer irreparable loss and injury and/or pass such other and further order as this Hon'ble Court may deem fit and proper under the circumstances of the present case."

4. The matter was referred to the Mediation Centre of this Court vide order dated 20.07.2023 for making an effort between the parties for settling their disputes amicably.

5. As per the office report dated 17.11.2023, a report from the Mediation Centre of this Court is on record.

6. As per report of Mediation Centre dated 07.10.2023 the parties have entered into settlement dated 07.10.2023 and 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 07.10.2023 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 6-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 judgment and order dated 09.06.2023 passed by the Additional District/Session Judge First court, Court No.2 Aligarh and the judgment and order dated 24.01.2023 Passed by the court of Judicial Magistrate, Iglas, Aligarh passed in the aforesaid cases are hereby quashed.

Order Date :- 17.11.2023

M. ARIF

(Samit Gopal, J.)