

Court No. - 87

Case :- APPLICATION U/S 482 No. - 31113 of 2019

Applicant :- Shobha Srivastava And Another

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

Counsel for Applicant :- Ram Bachan Yadav

Counsel for Opposite Party :- G.A.,Satyendra Kumar Mishra

Hon'ble Neeraj Tiwari,J.

1. Heard learned counsel for the applicants and learned A.G.A. for the State and Sri Satyendra Kumar Mishra, learned counsel for the opposite party No. 2 .

2. The present 482 Cr.P.C. application has been filed to quash the charge sheet dated 23.04.2018, cognizance order dated 05.07.2018 as well as entire proceedings of Criminal Case No. 3501 of 2018(State Vs. Shobha), arising out of Case Crime No. 732 of 2017, under Sections- 406, 419, 420, 504, 506 I.P.C., Police Station- Kotwali Mau, District- Mau, pending in the court of Chief Judicial Magistrate, Mau.

3. Learned counsel for the applicants submitted that present criminal proceeding has been initiated against the applicants with allegation of not executing the sale deed in favour of opposite party No. 2 even after receiving the payment of sale consideration. He next submitted that now, applicants have refunded the sale consideration amount of Rs. 8 Lakhs to opposite party No. 2 and ultimately, both the parties have entered into compromise. He next submitted that a joint affidavit dated 04.08.2019 has also been filed by the applicant No. 1 and opposite party No. 2, mentioning therein, the facts of about the refund of amount of sale consideration and compromise entered between both the parties. He next submitted that in light of compromise entered between the parties, criminal proceeding against the applicants may be quashed.

4. Learned counsel for the opposite party No. 2 has not objected the aforesaid facts and submitted that in case proceedings against the applicants is quashed, he would have no objection.

5. In view of the facts and circumstances of the case, 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**, the proceedings of the aforesaid case is hereby quashed.

7. The present application is, accordingly **allowed**.

8. No order as to costs.

Order Date :- 12.10.2023

ADY