

Court No. - 86

Case :- APPLICATION U/S 482 No. - 21384 of 2009

Applicant :- Kallu Singh And Others

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

Counsel for Applicant :- Umesh Chandra Mishra, Akash Mishra, Akhilesh Kumar Pandey

Counsel for Opposite Party :- Govt. Advocate, Dinesh Kumar Verma, Krishan Mohan Mishra

Hon'ble Rajiv Gupta, J.

1. Heard learned counsel for the applicants, learned AGA for the State, learned counsel for the opposite party no.2 and perused the record.

2. Learned counsel for the applicants has submitted that on account of some misunderstanding and misgivings, the instant criminal case was instituted against the applicants, however subsequently, opposite party no.2 Prakash Singh during his life time, entered into a compromise with the applicants voluntarily, without any coercion and undue influence and also filed a joint compromise affidavit before this Court and in paragraph 4 of said affidavit, it has been categorically stated that with the intervention of respected members of family and the society as well as by lapse of more than 12 years, the applicants and the opposite party no.2 have developed cordial relations between them and now, they do not have any grudge against each other.

3. Learned counsel for the applicants has next submitted that in paragraph 5 of the earlier compromise affidavit, it has been stated that in view of the compromise made between the parties, the opposite party no.2 do not want to further pursue the present proceedings against the applicants, however, during pendency of the said affidavit before this Court, opposite party no.2 Prakash Singh died and subsequently, his son Gurjeet Singh has been impleaded in his place and he has also filed an affidavit before this Court reiterating the said compromise made between the applicants and his father and has further reiterated that the said compromise was made voluntarily and without any coercion and undue influence or pressure. In paragraph 14 of the said affidavit, it has further been stated that Gurjeet Singh has also no objection, if the entire proceedings are quashed.

4. Learned counsel for the applicants has next submitted that in view of the said compromise made between the parties and in order to maintain harmonious and cordial relations between them, the entire proceedings be quashed.

5. Learned counsel for the opposite party no.2 has also appeared and has acknowledged the said compromise made between the parties. He has, on instructions, submitted that opposite party no.3 Gurjeet Singh has no objection, if the entire proceedings are quashed.

6. Learned AGA could not dispute the aforesaid facts.

7. This Court is not unmindful of the judgements of the Hon'ble Apex Court in the cases of:-

(i). B.S. Joshi and others Vs. State of Haryana and another, (2003) 4 SCC 675.

(ii). Nikhil Merchant Vs. Central Bureau of Investigation, (2008) 9 SCC 677.

(iii). Manoj Sharma Vs. State and others, (2008) 16 SCC 1.

(iv). Gian Singh Vs. State of Punjab, (2012) 10 SCC 303.

(v). Narindra Singh and others Vs. State of Punjab, (2014) 6 SCC 466.

8. 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, law expounded by Hon'ble Apex Court in the aforesaid cases has been explained in detail.

9. Considering the facts and circumstances of the case, as noted herein above, and also the submissions made by learned counsel for the parties, this Court is of the considered opinion that no useful purpose would be served by prolonging the proceedings of the present case.

10. Accordingly, the entire proceedings of Case No. 180 of 2007 (Prakash Singh Vs. Kallu Singh & others), under Sections 323, 147, 504, 506 IPC and Section 3(1) (X) of SC/ST Act, Police Station Ekdil, District Etawah, pending in the court of IInd

A.C.J.M. Etawah, are hereby quashed.

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

Order Date :- 30.10.2023

RKM