

Court No. - 86

Case :- APPLICATION U/S 482 No. - 27266 of 2023

Applicant :- Ayush Agrawal And Another

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

Counsel for Applicant :- Akhilendra Yadav,Vikesh Kumar Tiwari

Counsel for Opposite Party :- G.A.,Neeraj Kumar Pandey

Hon'ble Rajiv Gupta,J.

1. Learned counsel for the opposite party no.2 has filed short counter affidavit today in Court, which is taken on record.
2. Heard learned counsel for the applicants, learned AGA for the State, Shri Neeraj Kumar Pandey, learned counsel for the opposite party no.2 and perused the record.
3. Learned counsel for the applicants has submitted that opposite party no.2 was employed as a Driver of the applicant and without informing the applicant, opposite party no.2 had taken away the vehicle and as such, there was sudden quarrel between the parties, consequent to which, opposite party no.2 suffered injuries.
4. Learned counsel for the applicants has further submitted that pursuant to the said incident, the present criminal case was instituted against the applicants by the opposite party no.2, however subsequently, with the intervention of respected members of both the family and the society, the parties have amicably and genuinely settled their all 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 the compromise application dated 09.06.2023 made between the parties, supported by an affidavit, a copy of which has been annexed as Annexure 6 to this application.
6. Learned counsel for the applicants has next submitted that said compromise has been made voluntarily, without any coercion or undue influence or duress.
7. Learned counsel for the applicants has further submitted that in view of the said compromise made between the parties as well as in order to maintain harmonious and

cordial relations between them, the entire criminal proceedings against the applicants be quashed.

8. Learned counsel for the opposite party no.2 has also appeared and has filed an affidavit and in para 10 of the said affidavit, it has been categorically stated that said compromise has been made without any pressure.

9. Learned counsel for the opposite party no.2 has further, on instructions, submitted that opposite party no.2 does not want to further pursue the criminal case against the applicants and he has no objection, if the entire proceedings are quashed.

10. Learned AGA could not dispute the aforesaid facts.

11. This Court is not unmindful of the judgements of the Hon'ble Apex Court in the cases of ***Narindra Singh and others Vs. State of Punjab, (2014) 6 SCC 466, Parbatbhai Aahir Vs. State of Gujarat, (2017) 9 SCC 641*** and ***State of M.P. Vs. Laxmi Narayan, (2019) 5 SCC 688, Ram Gopal and Another Vs. State of Madhya Pradesh reported in 2021 SCC Online SC 834, Ram Awatar Vs. State of Madhya Pradesh reported in 2021 SCC Online SC 966***, 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 the Hon'ble Apex Court in the aforesaid cases has been explained in detail.

12. 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.

13. Accordingly, the entire proceedings of Special Sessions Trial No. 55 of 2022 (State Vs. Ayush Agrawal and Another), arising out of Case Crime No. 427 of 2021, under Sections 323, 342, 504 IPC and Section 3(2)(Va) of SC/ST Act, Police Station Khuldabad, District Allahabad, pending in the court of Special Judge (SC/ST Act), Allahabad, are hereby quashed.

14. This application under Section 482 CrPC is accordingly **allowed.**

Order Date :- 13.10.2023/Nadim