

Court No. - 87

Case :- APPLICATION U/S 482 No. - 21130 of 2021

Applicant :- Mukesh Mathur

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

Counsel for Applicant :- Ashutosh Gupta,Rajendra Kumar Pandey

Counsel for Opposite Party :- G.A.,Mohini Jaiswal

Hon'ble Neeraj Tiwari,J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State. No one has put in appearance on behalf of opposite party No. 2.

2. The present 482 Cr.P.C. application has been filed to quash the summoning order dated 18.12.2020 as well as entire proceedings of Criminal Case No. 37972 of 2020(State Vs. Mukesh Mathur), arising out of Case Crime No. 1424 of 2020, under Sections- 406, 420 I.P.C., Police Station- Indrapuram, District- Ghaziabad, pending in the court of Chief Judicial Magistrate, Ghaziabad.

3. The case was heard on 17.05.2023 and the Court has passed the following order:-

"Learned counsel for the applicant is present. No one has put in appearance for opposite party no.2.

Supplementary affidavit dated 16.04.2023 is on record.

Learned counsel for the applicant has drawn the attention of this Court towards the compromise deed, which is attached with the supplementary affidavit dated 16.04.2023 on record whereby the parties are said to have arrived at a compromise. The dispute is personal and the compromise between the parties would not affect the society adversely. Some of the sections involved are non-compoundable, hence, compromise between the parties be get verified by the trial court so that it may be placed before the Court.

The parties are directed to appear before the trial court within 15 days from today along with their compromise deed. If the parties appear before the trial court within the time stipulated, the trial court shall verify the said compromise deed, pass a verification order thereon and transmit a certified copy of the verified compromise deed along with the certified copy of the verification order passed thereon to this Court within 15 days thereafter.

List on 14.07.2023.

Interim order is extended till the next date of listing."

4. Pursuant to order dated 17.05.2023, compromise has been verified by the trial Court vide order dated 05.07.2023 and the same has been received to this Court from Chief Judicial Magistrate, Ghaziabad vide letter dated 05.07.2023.

5. Learned A.G.A. has not objected the aforesaid facts and submitted that in case proceedings against the applicant is quashed, he would have no objection.

6. In view of the facts and circumstances of the case, the applicant and learned A.G.A. 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.

7. 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.

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

9. No order as to costs.

Order Date :- 9.11.2023

ADY