

Court No. - 87

Case :- APPLICATION U/S 482 No. - 20737 of 2021

Applicant :- Deepu And 10 Others

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

Counsel for Applicant :- Arvind Prabodh Dubey

Counsel for Opposite Party :- G.A.

Hon'ble Neeraj Tiwari,J.

1. Heard learned counsel for the applicants, learned AGA and Sri Tanuj Shahi, Advocate holding brief of Sri K. Shahi, learned counsel for the opposite party no.2.

2. The present 482 Cr.P.C. application has been filed praying for quashing of charge sheet dated 12.08.2020 as well as the entire proceedings of Case No. 81869 of 2021 (State Vs. Ramesh and others), arising out of Case Crime No. 095 of 2020, under Sections- 147, 452, 506, 427, 342, 323 I.P.C., Police Station- Bidhnoo, District- Kanpur Nagar, pending in the court of ACMM IIIrd, Kanpur Nagar.

3 Case was heard on 17.11.2021, Court has passed the following order:-

"Shri K. Shahi, Advocate has filed Vakalatnama on behalf of opposite party no.2 in the court today which is taken on record.

Heard learned counsel for the applicants and learned A.G.A. for the State.

The present 482 Cr.P.C. application has been filed praying for quashing of charge sheet dated 12.08.2020 as well as the entire proceedings of Case No. 81869 of 2021 (State Vs. Ramesh and others), arising out of Case Crime No. 095 of 2020, under Sections- 147, 452, 506, 427, 342, 323 I.P.C., Police Station- Bidhnoo, District- Kanpur Nagar, pending in the court of ACMM IIIrd, Kanpur Nagar.

Learned counsel for the applicants submits that since the charge sheet has been issued, the parties have reconciled their differences and a compromise has been entered between them which has been reduced in writing.

Learned counsel appearing for the opposite party no. 2 does not dispute the correctness of the dispute.

Accordingly, it is provided that the parties shall appear before the court below along with a certified/ computerized copy of this order on the next date

fixed and be permitted to file an application for verification of the original compromise document. It is expected that the trial court may fix a date for the verification of the compromise entered into between the parties and pass an appropriate order with respect to the verification within a period of two months from today. Upon due verification, the court below may pass appropriate order in that regard and send a report to this Court.

List after two months.

Till then no coercive measure shall be taken against the applicants. "

4. Pursuant to the order of this Court dated 17.11.2021, learned A.C.M.M. has submitted its report on 12.10.2023 verifying the compromise deed entered into between the parties.

5. Sri Tanuj Sahi, Advocate holding brief of Sri K. Shahi, learned counsel for the opposite party no. 2 has not objected the aforesaid fact and submitted that in case proceedings is quashed, he would have no objection.

6. In view of above, 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.

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**. No order as to costs.

Order Date :- 16.11.2023

Brijesh