

Court No. - 87

Case :- APPLICATION U/S 482 No. - 21000 of 2021

Applicant :- Akhlakh @ Naushad And 6 Others

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

Counsel for Applicant :- Daya Shanker Pandey

Counsel for Opposite Party :- G.A.,Ashish Pandey

Hon'ble Neeraj Tiwari,J.

1. Heard Sri Alok Dhar Dubey, Advocate, holding brief of Sri Daya Shanker Pandey, learned counsel for the applicants, learned A.G.A. for the State and Sri Ashish Pandey, learned counsel for the opposite party No. 2.

2. The present 482 Cr.P.C. application has been filed to quash the summoning order dated 22.03.2020 as well as entire proceedings of Criminal Case No. 1145/9 of 2020(State Vs. Khairo and others), arising out of Case Crime No. 338 of 2019, under Sections- 498A, 307, 323, 504, 506, 427 I.P.C. and 3/4 D.P. Act, Police Station- Kairana, District- Shamli, pending in the court of learned Chief Judicial Magistrate, Shamli.

3. The case was heard on 24.02.2022 and the Court has passed the following order:-

"Sri Ashish Pandey, counsel for opposite party no.2 has filed short counter affidavit, which is taken on record.

Heard learned counsel for the applicants, Sri Ashish Pandey, learned counsel for opposite party no. 2 and learned A.G.A. for the State.

The present 482 Cr.P.C. application has been filed to allow this application and quash the entire criminal proceeding of Criminal Case No.1145/9 of 2020 (State Vs. Khairo and others) arising out of Case Crime No.338 of 2019, under Sections 498-A, 307, 323, 504, 506, 427 I.P.C. and Section 3/4 D.P. Act, Police Station Kairana, District Shamli, pending in the Court of C.J.M., Shamli as well as summoning order dated 22.03.2020 passed by C.J.M., Shamli with a further prayer to stay further proceedings of the aforesaid case.

Counsel for both the parties states that the parties are willing to enter into compromise and in respect thereof, they have annexed a compromise deed endorsed as Annexure - 5 to the application.

Sri Ashish Pandey, learned counsel for opposite party no. 2 has no objection.

Both the parties are directed to appear before the concerned court below on 10.03.2022 and file their compromise application. The court below is directed to ensure to pass an order on the said compromise application and all formalities completed within one month from that date. The concerned Magistrate will send a report to this Court whether the said compromise took place or not.

List in the week commencing 25.04.2022, along with the report regarding compromise.

In the meanwhile, no coercive action shall be taken against the applicants. "

4. Pursuant to order dated 24.02.2022, compromise has been verified by the trial Court vide order dated 30.06.2023 and the same has been received to this Court from Civil Judge(J.D.)/F.T.C. vide letter dated 20.07.2023.

5. Learned A.G.A. could not dispute the aforesaid facts.

6. 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.

7. 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.

8. 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 Bureau of Investigation and another; (2008) 9 Supreme Court Cases 677, Gian Singh Vs. State 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.

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

10. No order as to costs.

Order Date :- 30.11.2023

ADY