

Court No. - 86

Case :- APPLICATION U/S 482 No. - 9418 of 2008

Applicant :- Managing Director Magma Leasing Ltd. And Another

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

Counsel for Applicant :- C.K. Parekh, Kumar Ankit Srivastava

Counsel for Opposite Party :- Govt. Advocate, Indever Pandey

Hon'ble Rajiv Gupta, J.

1. Short counter affidavit filed on behalf of opposite party no. 2 in the Court today is taken on record.
2. Heard Sri C.K. Parekh, learned Senior Advocate assisted by Sri Kumar Ankit Srivastava, learned counsel for the applicant, learned AGA for the State, Shri Indever Pandey, learned counsel for the opposite party no. 2 and perused the record.
3. Learned counsel for the applicant has submitted that on account of dispute over dishonour of cheque, the present criminal case was instituted against the applicant, however subsequently, with the intervention of respected members of both the family, the parties have amicably and genuinely settled their all disputes and differences and now, they do not have any grievance against each other. Pursuant to the settlement the applicant had paid a sum of Rs. 2,63,730/- (Rs. two lac sixty three thousand seven hundred thirty only), through a demand draft no. 007648, dated 22.5.2007.
4. Learned counsel for the applicant has next drawn the attention of the Court to the settlement agreement dated 22.8.2020 drawn between the parties, a copy of which has been annexed as Annexure 1 to the compromise application.
5. Learned counsel for the applicant has further submitted that in view of the said settlement agreement drawn between the parties,

the entire proceedings be quashed.

6. Learned counsel for the opposite party no. 2 has also appeared and has filed short counter affidavit on behalf of opposite party no.2 and in para 9 of the said affidavit, it has been categorically stated that the matter related to money dispute and same has amicably been settled between the parties and now no grievance is left. Again in para 13, it has been stated that opposite party no.2 do not want to further prosecute the applicant and he has no objection, if the entire proceedings are quashed.

7. Learned AGA could not dispute the aforesaid facts.

8. 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.

9. 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.

10. 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 instant case.

11. Accordingly, the entire proceedings of Complaint Case No. 1558/IX of 2007, under Section 138 Negotiable Instrument Act, pending in the Court of Additional Chief Judicial Magistrate, Court no. 8, Mathura, are hereby quashed.

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

Order Date :- 31.10.2023
Faridul