

Court No. - 86

Case :- APPLICATION U/S 482 No. - 28092 of 2023

Applicant :- Mohammad Suhail Ghoshi

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

**Counsel for Applicant :- Mool Chandra, Bed Prakash
Rai, Shad Khan**

**Counsel for Opposite Party :- G.A., Sharad Saran
Srivastava**

Hon'ble Rajiv Gupta, J.

1. Heard learned counsel for the applicant, learned AGA for the State, Shri Sharad Saran Srivastava, learned counsel for the opposite party no. 2 and perused the record.
2. Learned counsel for the applicants has submitted that on account of some monetary dispute, the instant criminal case was instituted against the applicant, 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.
3. Learned counsel for the applicants has next drawn the attention of the Court to the settlement agreement dated 15.09.2023 drawn between the parties.
4. This Court vide order dated 17.08.2023 had directed the parties to appear before the Mediation Centre of this Court and to explore the possibility of settling the dispute through mediation.
5. Pursuant to the said order, the parties appeared before the court below and with the help of the mediators, settled their all disputes and differences and a settlement agreement dated 15.09.2023 has been drawn between the parties.
6. Learned counsel for the applicants has next submitted that in view of the said settlement agreement and in order to maintain harmonious and cordial relations between the parties, the entire proceedings be quashed.

7. Learned counsel for the opposite party no.2 has also appeared and has acknowledged the said settlement agreement drawn between the parties.

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

9. Learned AGA could not dispute the aforesaid facts.

10. 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.

15. 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.

11. 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.

12. Accordingly, the entire proceedings of Case No. 661 of 2022 (State Vs. Suhail), arising out of Case Crime No. 239 of 2019, under Sections 419, 420, 504, 506 IPC and Section

10 of Emigration Act, Police Station Tarya Sujan, District Kushinagar, pending in the court of Chief Judicial Magistrate, Kushinagar, are hereby quashed.

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

Order Date :- 16.10.2023

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