

Court No. - 86

Case :- APPLICATION U/S 482 No. - 29756 of 2018

Applicant :- Smt. Rihana And 2 Others

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

Counsel for Applicant :- Aditya Prasad Mishra

Counsel for Opposite Party :- G.A., Ram Raj Pandey

Hon'ble Rajiv Gupta,J.

1. Heard learned counsel for the applicants, learned AGA for the State, Shri Ram Raj Pandey, learned counsel for the opposite party no.2 and perused the record.

2. Learned counsel for the applicants has submitted that opposite party no.2 is the cousin of applicant no.2 and on account of dispute between the parties regarding share of the house in question, the instant criminal case was instituted against the applicants, however subsequently, with the intervention of respected members of the family and the society, the parties have amicably and genuinely settled all their disputes and differences and now, they do not have any grievance against each other.

3. This Court vide order dated 28.08.2018 had directed the parties to appear before the Mediation and Conciliation Centre of this Court and to explore the possibility of settling the dispute through Mediation.

4. Pursuant to the said order, the parties appeared before the Mediation and Conciliation Centre of this Court and with the help of the mediators, the dispute has finally been settled between the parties and a settlement agreement dated 27.11.2018 has been drawn, a copy of which has been forwarded to this Court and shall form part of this application. In paragraph 6(c) of the said settlement agreement, it has been categorically stated that the parties have amicably and genuinely settled their all disputes and differences and now, they do not want to further continue the legal proceedings/litigation. In paragraph 6(e) of the said settlement agreement, it has been further categorically stated that the opposite party no.2 has no objection, if this Court allows the instant application.

5. Learned counsel for the applicants has next submitted that in view of the said settlement agreement drawn between the parties and in order to maintain harmonious and cordial relations between them, the entire proceedings be quashed.

6. Learned counsel for the opposite party no.2 has also

appeared and has acknowledged the said settlement agreement drawn between the parties and has further stated, on instructions, and also by means of short counter affidavit that opposite party no.2 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 present case.

11. Accordingly, the entire proceedings of Case No. 4506 of 2017 (State Vs. Shadab and others) arising out of Case Crime No. 282 of 2010, under Sections 323, 324, 325, 395, 452, 427, 504, 506 IPC, Police Station Kotwali, District Meerut, pending in the court of Judicial Magistrate-III, First Class, Meerut, are hereby quashed.

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

Order Date :- 30.10.2023/RKM