

Court No. - 91

Case :- APPLICATION U/S 482 No. - 42411 of 2012

Applicant :- Sonu

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

Counsel for Applicant :- Narayan Singh Kushwaha

Counsel for Opposite Party :- Govt. Advocate, Amit Srivastava, Narendra Kumar

Hon'ble Gajendra Kumar, J.

1. Heard learned counsel for the applicant and learned counsel for the opposite party no. 2 as well as learned AGA for the state.

2. This application under Section 482 Cr.P.C. has been filed to quash the charge sheet dated 15.03.2012 as well as the entire proceeding of Criminal Case No.3793 of 2012, arising out of Case crime no.703 of 2011, under Sections 363, 366, 376 IPC P.S. Shamsabad District Farrukhabad, pending in the Court of CJM, Farrukhabad.

3. Pursuant to order dated 19.07.2023, the parties appeared before the court below for verification of settlement / compromise, who were duly identified by their counsel's, while verifying the compromise/settlement dated 24.07.2023.

4. It is submitted by learned counsel for the applicant that all the disputes and differences have been settled between the parties. At this stage, learned counsel further submitted that continuation of the proceedings of the aforesaid case will be an abuse of process of law. No fruitful purpose would be served by keeping the matter pending. In support of his contention, learned counsel for the applicant has also placed reliance on the law laid down by Apex Court in ***Gian Singh vs. State of Punjab, (2012), 10 SCC 303, B.S. Joshi and others vs. State of Haryana and another, (2003) 4 SCC 675 and Madan Mohan Abbot vs. State of Punjab, (2008) 4 SCC 582.***

5. On the other hand, learned counsel for the opposite party no.2 submits that since the dispute between the parties has been settled, opposite party no.2 has no objection if the proceedings of the aforesaid case pending before the trial court is quashed.

6. I have considered the submissions made by the learned counsel for the parties and have gone through the entire record.

7. In all the aforesaid cases, the Apex Court has laid down the law that criminal proceedings may be quashed even in non-compoundable cases by the High Court in exercise of its extraordinary jurisdiction to restore peace between the parties and in case the justice so demands. According to Hon'ble Supreme Court, if the offence involve private dispute between the parties of commercial nature or matrimonial dispute and it is not related to heinous offence, the proceedings may be quashed.

8. From the perusal of the record, it is apparent that the age of the prosecutrix has been ascertained 17 years by the C.M.O. and learned C.J.M. has set her at liberty after holding that the prosecutrix was able to understand his good and bad. Both the parties are living together happily as husband and wife and are blessed with three children. Opposite party no.2 has no objection to their happy marriage life.

9. Since the dispute between the parties has been amicably and mutually settled, no fruitful purpose would be served by permitting to continue the criminal case pending before the trial court and it would simply be a waste of time if the aforesaid case is permitted to continue till its logical conclusion.

10. In view of the above, the present application u/s 482 Cr.P.C. is **allowed.**

11. The entire proceedings of charge sheet dated 15.03.2012 as well as the entire proceeding of Criminal Case No.3793 of 2012, arising out of Case crime no.703 of 2011, under Sections 363, 366, 376 IPC P.S. Shamsabad District Farrukhabad, pending in the Court of CJM, Farrukhabad against the applicant are quashed in terms of compromise arrived at between the parties.

Order Date :- 18.10.2023

Sanjeet