

Court No. - 86

Case :- APPLICATION U/S 482 No. - 33083 of 2019

Applicant :- Shaurya Varshney

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

Counsel for Applicant :- Anil Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Rajiv Gupta,J.

1. Shri Amresh Bahadur Tiwari, Advocate has filed his vakalatnama as well as an affidavit on behalf of opposite party no.2 today in Court, which is taken on record.

2. Heard learned counsel for the applicant, learned AGA for the State, Shri Amresh Bahadur Tiwari, learned counsel holding for opposite party no.2 and perused the record.

3. This application under Section 482 Cr.P.C. has been filed with the prayer to quash the cognizance order dated 13.02.2018 as well as entire proceedings of Criminal Case No. 1120 of 2019 (State Vs. Shaurya Varshney), arising out of Case Crime No. 409 of 2017, under Sections 323, 504 and 406 IPC, Police Station Kotwali Hathras, District Hathras, pending in the court of Chief Judicial Magistrate, Hathras.

4. Learned counsel for the applicant has submitted that on account of monetary dispute, the instant criminal case was instituted against the applicant, however subsequently, with the intervention of respected members of the family and society, the parties have amicably and genuinely settled their all disputes and differences in order to maintain harmonious and cordial relations between them and now, they do not have any grievance against each other.

5. Learned counsel for the applicant has next drawn the attention of this Court to the compromise application dated 02.03.2019 supported by an affidavit, a copy of which has been annexed as Annexure-3 to this application.

6. Learned counsel for the applicant has next submitted that in view of the said compromise and in order to maintain

harmonious and cordial relations between the parties, entire proceedings against the applicant be quashed.

7. Learned counsel for opposite party no.2 has also appeared and has filed an affidavit wherein in paragraph 2, the factum of said compromise has been acknowledged. In paragraph 5 of the affidavit, it has been further stated that opposite party no.2 has no objection if the entire proceedings are quashed.

8. Learned AGA could not dispute the aforesaid facts.

9. This Court is not unmindful of the judgement of the Hon'ble Apex Court in the case of **Narindra Singh and others Vs. State of Punjab, (2014) 6 SCC 466, Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat (2017) 9 SCC, 641, Gian Singh Vs. State of Punjab (2012) 10 SCC 303 and State of M.P. Vs. Laxmi Narayanan (2019) 5 SCC 688**, 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 the 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 above mentioned case.

11. Accordingly, the entire proceedings of Criminal Case No. 1120 of 2019 (State Vs. Shaurya Varshney), arising out of Case Crime No. 409 of 2017, under Sections 323, 504 and 406 IPC, Police Station Kotwali Hathras, District Hathras, pending in the court of Chief Judicial Magistrate, Hathras, are hereby quashed.

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

Order Date :- 13.10.2023

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