

Court No. - 87

Case :- APPLICATION U/S 482 No. - 29039 of 2022

Applicant :- Kishori Lal And Another

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

Counsel for Applicant :- Ajay Kumar Mishra, Vinay Kumar Mishra

Counsel for Opposite Party :- G.A., Gyanendra Singh Patel

Hon'ble Neeraj Tiwari, J.

1. Heard learned counsel for the applicants, learned A.G.A. for the State, Sri Buddhi Sagar Tripathi, advocate holding brief of Sri Gyanendra Singh Patel, learned counsel for the opposite party no.2.

2. The present 482 Cr.P.C. application has been filed to quash the charge sheet dated 23.11.2013 as well as entire proceeding of Criminal Case No. 1006 of 2014 (State vs. Kishori Lal & others) arising out of case crime no. 383 of 2013, under Sections 323, 504, 326 IPC, Police Station- Mau Aima, District Allahabad pending before Special Chief Judicial Magistrate, Allahabad.

3. Learned counsel for the applicants submitted that applicant no. 1 and opposite party no. 2 are real brothers and a cross FIR has been lodged between the parties. He next submitted that as it was family dispute, parties have entered into compromise and on the basis of compromise, FIR lodged by applicant no. 1 against opposite party no. 2 has been quashed by this Court vide order dated 17.05.2023 in Application U/S 482 No. 29719 of 2022. He next submitted that in light of compromise between the parties, present proceeding may also be quashed.

4. Sri Buddhi Sagar Tripathi, advocate holding brief of Sri Gyanendra Singh Patel, learned counsel for the opposite party no.2 has not objected the aforesaid fact and submitted that in case proceedings is quashed, he would have no objection.

5. Learned AGA has also not disputed the aforesaid fact.

6. In view of above, the applicants and opposite party no. 2 do not want to pursue the case any further as stated by them. The matter has been mutually settled between the parties, therefore, no useful

purpose would be served in proceeding with the matter further.

7. Thus in view of the well settled principle of law as laid down by the Hon'ble Apex Court in the matters of **Krishnappa & Ors. vs. State of Karnataka; 2021 0 Supreme(SC) 529, Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and Ors. vs. State of Gujarat and another; 2017 9 SCC 641, B.S. Joshi Vs. State of Haryana; 2003(4) SCC 675, Nikhil Merchant Vs. Central Burea of Investigation and another; (2008) 9 Supreme Court Cases 677, Gian Singh Vs. Stated of Punjab; (2012) 10 SCC 303 and Narinder Singh & others Vs. State of Punjab and another; (2014) Supreme Today 642**, the proceedings of the aforesaid case is hereby quashed.

8. The present application is, accordingly **allowed**. No order as to costs.

Order Date :- 2.12.2023

Arvind