

Court No. - 89

Case :- APPLICATION U/S 482 No. - 29648 of 2023

Applicant :- Kailash Singh And 10 Others

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

Counsel for Applicant :- Krishna Kumar Chaurasia

Counsel for Opposite Party :- G.A.,Gyan Babu Pal A/G
0509/2018

Hon'ble Deepak Verma,J.

1. Heard learned counsel for the applicants, learned counsel for opposite party no. 2 and learned A.G.A. for the State.

2. The present 482 Cr.P.C. application has been filed to quash the summoning order dated 29.07.2019 as well as entire proceedings of Complaint Case No. 134 of 2019 (Udai Prasad Vs. Kailash Singh and others), under Sections 147, 149, 323, 504, 506 IPC and under Section 3(1)(Gha) of SC/ST Act, P.S. Jugail, District Sonebhdara, pending before the learned Special Judge (SC/ST) Act, Sonebhadra.

3. Learned counsel for the applicants submits that opposite party No. 2 lodged complaint against the applicants and both the parties have amicably settled their dispute out of the Court and approached this Hon'ble Court while filing Application U/S 482 Cr.P.C. No. 43228 of 2019. The Hon'ble Court vide order dated 16.05.2023 directed the applicants to approach before the trial court with compromise application and lower court was directed to verify the parties and compromise deed. The counsel for the applicants approached the trial court on 01.06.2023 with order of this Court and compromise deed. The trial Court on 01.06.2023 verified the parties.

4. Learned counsel for the applicants has submitted that the applicants and opposite party no.2 have settled their private and civil dispute through compromise and as such opposite party no.2 does not wish to press the aforesaid case against the applicants. Opposite party no.2 is ready to withdraw the prosecution of the applicants and in view of the compromise, no fruitful purpose would be served if the prosecution is allowed to go on.

5. Learned counsel appearing for the opposite party no.2 does not dispute the correctness of the submission made by learned counsel for the applicants or the correctness of the documents relied upon by him. He submits that parties have compromised the matter and opposite party no. 2 does not want to proceed against the applicants, if the proceedings in the aforesaid case are quashed.

6. In view of the facts and circumstances of the case, 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 should be quashed.

8. The proceedings of the Complaint Case No. 134 of 2019 (Udai Prasad Vs. Kailash Singh and others), under Sections 147, 149, 323, 504, 506 IPC and under Section 3(1)(Gha) of SC/ST Act, P.S. Jugail, District Sonebhdara, pending before the learned Special Judge (SC/ST) Act, Sonebhadra, are hereby quashed.

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

Order Date :- 16.10.2023

A. Prajapati