

Court No. - 87

Case :- APPLICATION U/S 482 No. - 29621 of 2023

Applicant :- Amit Kumar Pandey

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

Counsel for Applicant :- Neeraj Kumar Srivastava, Pankaj Kumar

Counsel for Opposite Party :- G.A., Ashwani Kumar Srivastava

Hon'ble Neeraj Tiwari, J.

1. Heard learned counsel for the applicants, learned A.G.A. for the State and Sri Ashwani Kumar Srivastava, 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 16.01.2020, cognizance order dated 21.09.2022 in Registration No. 18758 of 2020, Serial Number-1078 of 2020 and CNR No. UPVR04-02474 of 2020, new case no. 24251 of 2020 (State Vs. Amit Kumar Pandey), arising out of Case Crime No. 623 of 2019, under Sections- 379, 511 I.P.C., Police Station- Rohaniya, District- Varanasi in terms of compromise.

3. The case was heard on 29.08.2023 and the Court has passed the following order:-

"1. Heard Sri Neeraj Kumar Srivastava, learned counsel for the applicant and Sri Ashwani Kumar Srivastava, learned counsel appearing for opposite party no.2.

2. The instant application has been filed seeking quashing of the charge sheet dated 16.01.2020, along with cognizance order dated 21.09.2022, under Sections 380, 511 I.P.C., passed by Special Chief Judicial Magistrate Varanasi, in Case No. 1078 of 2020. Now, new Case No. 24251 of 2020 (State vs. Amit Kumar Pandey) arising out of Case Crime No. 623 of 2019, under Sections 379, 511 I.P.C., Police Station- Rohaniya, District- Varanasi, pending in the Court of Special Chief Judicial Magistrate, Varanasi.

3. Learned counsel for the applicant submits that the applicant herein is the neighbour of the daughter-in-law of the opposite party no.2. Since there was a matrimonial dispute between the son and daughter-in-law of the opposite party no. 2, the applicant herein has gone for mediation between the parties and due to some misconception, the opposite party no.2 has lodged the instant FIR against the applicant herein. He further submits that now the parties have settled their disputes amicably and a compromise dated 08.04.2023 has also been filed before the trial court concerned on 02.05.2023. Learned counsel for the applicant thus prays for quashing of the

entire proceedings of the said case on the basis of said compromise.

4. Learned counsel for the opposite party no.2 has also filed short counter affidavit wherein he admits that the fact of compromise between parties and states that the instant case was registered due to some misconception against the applicant herein and the matter has been settled between the parties, and compromise has already been filed before the trial court.

5. In view thereof, the parties are directed to appear before the trial court for verification of the compromise dated 08.04.2023, within two weeks from today. If the parties so appear before the trial court within two weeks, the trial court is directed to verify the said compromise between the parties after recording his satisfaction and sent a report of the verification of compromise to this Court two weeks thereafter.

6. Put up on 10.10.2023 as fresh, showing the name of Sri Ashwani Kumar Srivastava as counsel for the opposite party no.2 in the cause list.

7. Learned counsel for the applicant is also permitted to file the certified copy of the order verifying of the compromise by the trial court before the next date of listing.

8. Till the next date of listing, no coercive action shall be taken against the applicant. "

4. Pursuant to order dated 29.08.2023, compromise has been verified by the trial Court vide order dated 20.09.2023 and the same has been received to this Court from Special Chief Judicial Magistrate, Varanasi vide letter dated 20.09.2023.

5. Learned A.G.A. could not dispute the aforesaid facts.

6. Learned counsel for the opposite party No. 2 has not objected the aforesaid facts and submitted that in case proceedings against the applicant is quashed, he would have no objection.

7. In view of the facts and circumstances of the case, the applicant 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.

8. 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.

9. The present application is, accordingly **allowed**.

10. No order as to costs.

Order Date :- 29.11.2023

ADY