

Court No. - 86

Case :- APPLICATION U/S 482 No. - 29906 of 2023

Applicant :- Umesh Alias Shankar And 3 Others

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

Counsel for Applicant :- Ran Jeet Singh, Chandra Jeet Singh

Counsel for Opposite Party :- G.A., Vijay Bahadur

Hon'ble Rajiv Gupta, J.

1. Supplementary affidavit filed on behalf of the applicants in Court today is taken on record.

2. Short counter affidavit filed on behalf of the opposite party no.2 in Court today is also taken on record.

3. Heard learned counsel for the applicants, learned AGA for the State, Shri Vijay Bahadur, learned counsel for the opposite party no.2 and perused the record.

4. This application under Section 482 Cr.P.C. has been filed with a prayer to quash the summoning order dated 06.7.2015, non-bailable warrant order dated 01.01.2016 as well as entire proceedings of Complaint Case No.326 of 2013 (Shriram Vs. Umesh @ Shankar & others), under Sections 452, 323, 504, 506 IPC, P.S. Kailiya, District Jalaun, pending in the court of Additional Civil Judge (Junior Division)/Judicial Magistrate, Kongh at Jalaun.

5. Learned counsel for the applicants has submitted that applicant no.1 and opposite party no.2 are real brothers and on account of certain misunderstandings and misgivings, instant criminal proceedings was instituted against the applicants by the opposite party No. 2.

6. Learned counsel for the applicants has next submitted that this Court vide order dated 24.08.2023 had directed the parties to appear before the Mediation & Conciliation Centre of this Court in order to explore the possibilities of settling their dispute through mediation.

7. Pursuant to the order dated 24.08.2023, both the parties appeared before Mediation & Conciliation Centre of this Court

and with the help of the mediators, they have amicably and genuinely settled all their disputes and differences and now they do not have any grievance against each other and a settlement agreement dated 27.10.2023 has been drawn between the parties, a copy of which has been filed as Annexure- SA-2 to the supplementary affidavit.

8. Learned counsel for the applicants has next submitted that in view of the settlement agreement made between the parties, in order to maintain harmonious and cordial relations between the parties, entire proceedings be quashed.

9. Learned counsel for opposite party no.2 has also appeared and acknowledged the said settlement agreement and has further stated on his instructions that he has no objection, if the entire proceedings are quashed. Learned AGA could not dispute the aforesaid facts.

10. This Court is not unmindful of the judgements of the Apex Court in the cases of :-

1. B.S. Joshi and others Vs. State of Haryana and another (2003) 4 SCC 675.

2. Nikhil Merchant Vs. Central Bureau of Investigation [2008] 9 SCC 677].

3. Manoj Sharma Vs. State and others (2008) 16 SCC 1.

4. Gian Singh Vs. State of Punjab (2012) 10 SCC 303.

5. Narindra Singh and others Vs. State of Punjab (2014) 6 SCC 466.

11. Wherein the 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 the law expounded by the Apex court in the aforesaid cases has been explained in detail.

12. Considering the facts and circumstances of the case, as noted herein above, and also the submissions made by the counsel for the parties, the court is of the considered opinion that no useful purpose shall be served by prolonging the proceedings of the

above mentioned case.

13. Accordingly, the entire proceedings of Complaint Case No.326 of 2013 (Shriram Vs. Umesh @ Shankar & others), under Sections 452, 323, 504, 506 IPC, P.S. Kailiya, District Jalaun, pending in the court of Additional Civil Judge (Junior Division)/Judicial Magistrate, Kongs at Jalaun, are hereby quashed.

14. This application under Section 482 CrPC is accordingly **allowed**. There shall be no order as to costs.

Order Date :- 2.11.2023

Zafar