

Court No. - 89

Case :- APPLICATION U/S 482 No. - 31249 of 2023

Applicant :- Mohd. Suhail And 4 Others

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

Counsel for Applicant :- Abhishek Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

1. Vakalatnama filed today by Sri Vijay Mishra, Advocate, on behalf of informant, is taken on record.

2. Heard learned counsel for the applicants, Sri Vijay Mishra, learned counsel for the informant, learned A.G.A for the State and perused the record.

3. This application under Section 482 Cr.P.C. has been filed to quash the entire proceedings of Case No.359 of 2015 arising out of Case Crime No.225 of 2014 (State vs. Mohd.Suhail), under sections 419, 420, 467, 468, 471, 120-B I.P.C., Police Station Cantonment, District Allahabad, pending in the court of Additional Chief Judicial Magistrate- 17, Allahabad.

4. Learned counsel for the applicants submits that the parties have amicably settled the dispute out of the Court and they have entered into compromise and in terms of compromise they have challenged the proceeding. Coordinate Bench of this Court by order dated 24.08.2023 directed the parties to appear before trial court and trial court shall verify the compromise. In pursuance of the order passed by this Court dated 24.08.2023, Additional Civil Judge (Junior Division)/Judicial Magistrate, court No.10, Allahabad has submitted report dated 18.09.2023 that parties appeared before the court and entered into compromise and parties have compromised without any pressure. Learned counsel for the applicants submits that since dispute between the parties is purely private in nature and now they have compromised the matter and they have been verified by the trial court, there is no purpose to keep the proceeding pending against the applicants.

5. Learned counsel appearing for the opposite party no.2 states he does not want to pursue the case further against the applicants as parties have compromised the matter.

6. Learned counsel for the applicants has placed reliance upon various judgements passed by 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) Shaifullah and others Vs. State of U.P. And another: 2013 (83) ACC**

278 and (6) Parbatbhai Ahir@Parbatbhai @ Bhimsinbhai Karmur and others Vs. State of Gujarat and another: (2017) 9 SCC 641 has held that on the basis of settlement arrived between the parties, proceeding can be quashed.

7. Considering the argument raised by learned counsel for the applicants and after perusal of record, it is a fit case to be interfered, hence, entire proceedings Case No.359 of 2015 arising out of Case Crime No.225 of 2014 (State vs. Mohd.Suhai), under sections 419, 420, 467, 468, 471, 120-B I.P.C., Police Station Cantonment, District Allahabad, pending in the court of Additional Chief Judicial Magistrate- 17, Allahabad are hereby set aside and quashed. The application u/s482 Cr.P.C. is **allowed.**

Order Date :- 12.12.2023

SKD