

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 13407 of 2023

Petitioner :- Ajay Kumar Gupta And 2 Others

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Aklank Kumar Jain

Counsel for Respondent :- G.A.,Raghvendra Yadav

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Sri Aklank Kumar Jain, learned counsel for the petitioners, Sri Raghvendra Yadav, learned counsel appearing for the informant and Sri Vibhav Ojha, learned A.G.A. appearing for the State respondents.

2. This writ petition has been filed praying to quash the impugned First Information Report dated 15.6.2023 registered as Case Crime No. 270 of 2023, under Sections 406, 420, 467, 468, 471 IPC, P.S. Vrindavan, District Mathura.

3. Vide order dated 27.9.2023 the matter was referred to the mediation centre.

4. Perused the office report dated 17.10.2023 and the settlement agreement dated 7.10.2023 which indicates that matter has been peacefully settled between the parties and they have settled their differences on the terms mentioned in paragraph 6 of the settlement agreement dated 7.10.2023. The paragraph 6 is quoted as under:-

"6. The following settlement has been arrived at between the parties hereto:-

a) That the dispute arose between the parties and a case was registered as Case Crime No. -270 of 2022, under Sections 406, 420, 467, 468, 471 IPC, P.S. Vrindavan, District Mathura and the present petitioner filed a present criminal misc. writ petition no. 13407 of 2023 for quashing the FIR dated 15.06.2023, thereafter, by order dated 27.09.2023, the matter has been referred to the mediation center.

b) That both the parties have already settled their dispute and in this regard they have produced a 'Samjhauta Vilekh' dated 02.07.2023 before the Centre. The parties stated that all the terms and conditions mentioned in the aforesaid Samjhauta Vilekh have been fulfill. The parties further reiterate and reaffirm

all the terms and conditions of the aforesaid Samjhauta Vilekh and the same shall be a part of this settlement also. The photocopy of the aforesaid Samjhauta Vilekh and sale-deed dated 02.07.2023 are collectively being annexed herewith for kind perusal of the Hon'ble Court.

c) That it has also been agreed between the parties that all the cases filed by them against each other regarding present dispute shall be withdrawn by the parties concerned by taking appropriate steps before the Court/authority concerned.

d) That the parties will not file any fresh case against each other in respect of this dispute. They have no claim against each other in future also.

e) That it has been agreed between the parties that they shall not violate the terms and conditions of this settlement otherwise the aggrieved party will be free to take legal recourse."

5. It is submitted that as between the parties compromise had already taken place therefore, the impugned First Information Report dated 15.6.2023 registered as Case Crime No. 270 of 2023, under Sections 406, 420, 467, 468, 471 IPC, P.S. Vrindavan, District Mathura is liable to be quashed.

6. Thus, in view of the well settled principles of law as laid down by the Hon'ble Apex Court reported in **2003(4) SCC 675 (B.S. Joshi Vs. State of Haryana)**, **J.T. 2008(9) SC 192 (Nikhil Merchant Vs. Central Bureau of investigation and another)**, **(2012) 10 SCC 303 (Gian Singh Vs. State of Punjab)**, **(2014) 9 SCC 653 (Yogendra Yadav and others Vs. State of Jharkhand)** and also **(2014) 6 SCC 466 (Narendra Singh Vs. State of Punjab)** and in view of the settlement agreement dated 7.10.2023, the impugned First Information Report dated 15.6.2023 registered as Case Crime No. 270 of 2023, under Sections 406, 420, 467, 468, 471 IPC, P.S. Vrindavan, District Mathura is hereby quashed.

7. The present petition is, accordingly, allowed.

Order Date :- 18.10.2023

Lalit Shukla