

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 14168 of 2023

Petitioner :- Hari Om @ Sudhanshu

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

Counsel for Petitioner :- Pramod Kumar Shukla,Vikas Rastogi

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Shri Vikas Rastogi, learned counsel for the petitioners, Shri Ram Adhar holding brief of Shri M.L. Maurya, learned counsel for the informant and Shri Virendra Kumar Pal, 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 08.10.2021, registered as Case Crime No. 0880 of 2021, under Sections 363, 366 IPC, Police Station Naubasta, District Kanpur Nagar.

3. Vide order dated 06.09.2023 the matter was referred to the Mediation and Conciliation Centre of this Court.

4. Perused the settlement agreement dated 20.09.2023 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 20.09.2023. The paragraph 6 is quoted as under:-

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

a) That the respondent No.4 had lodged an FIR against the petitioner on 08.10.2021, under section 363, 366 IPC having Case Crime No.0880 of 2021, P.S. Naubasta, District Kanpur Nagar.

b) That both the parties are relatives and they have amicably settled their dispute out of the Court.

c) That the matter relates to the minor daughter of respondent no.4, namely, Muskaan and the petitioner, namely, Hari Om @ Sudhanshu. At the time of alleged incident, Muskaan and the petitioner, namely, Hari Om @ Sudhanshu were the student of 10th Class and they were aged about 16 years (minor) at the time of incident i.e. 08.10.2021.

d) That in pursuance of compromise, the respondent no.4 herself gave an application alongwith affidavit before Police Commissioner, Kanpur Nagar on 28.04.2022 requesting that the informant/respondent no.4 does not want to proceed in this case of Case Crime No.0880 of 2021, under Sections 363, 366 IPC, P.S. Naubasta, District Kanpur Nagar. She also stated that due to misunderstanding this FIR has been lodged and now she does not want to proceed in respect of the Said FIR. The photocopy of the aforesaid application alongwith affidavit dated 28.04.2022, given to Police Commissioner, Kanpur Nagar, is kept on record.

e) That the respondent No.4 is agreed to quash the aforesaid FIR lodged by her against the petitioner, by this Hon'ble Court."

f) That the petitioner and his guardian (father) have assured that the petitioner will not do such act further and also assured that he will not harass or threatening to the family member of the respondent no.4 in any manner whatsoever.

g) 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."

5. It is submitted that as compromise has already taken place between the parties, no fruitful purpose would be achieved by allowing the prosecution to continue.

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 20.09.2023, the First Information Report dated 08.10.2021, registered as Case Crime No. 0880 of 2021, under Sections 363, 366 IPC, Police Station Naubasta, District Kanpur Nagar is hereby quashed.

7. The present petition is, accordingly, **allowed**.

Order Date :- 28.10.2023

Nitendra