

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 13645 of 2023

Petitioner :- Baburam Chowdhary

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Mahendra Prasad

Counsel for Respondent :- G.A., Sharwan Kumar Tripathi, Vinay Bhushan Upadhyay

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Heard Sri Mahendra Prasad, learned counsel for the petitioner, learned A.G.A. appearing for the State respondents and Sri Sharwan Kumar Tripathi, learned counsel appearing for the informant.

2. This writ petition has been filed praying to quash the impugned First Information Report dated 19.5.2023, registered as Case Crime No. 269 of 2023, under Sections 420, 406, 504, 506 IPC, P.S. Ramgarh Tal, District Gorakhpur.

3. Vide order dated 6.9.2023 the matter was referred to the mediation centre.

4. Perused the office report dated 7.11.2023 and the settlement agreement dated 3.8.2023 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 3.8.2023 The paragraph 6 is quoted as under:-

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

a) That the parties have amicably settled their dispute on the conditions that the Baburam Chowdhary (Petitioner) shall pay an amount of Rs. 6,70,000/- (Rupees Six Lakh Seventy Thousand Only) to Sri Anil Kumar (Respondent No. 3) by way of demand drafts.

b) That on 21.09.2023 the Petitioner had produced a demand draft bearing No. 907704 dated 25.08.2023 drawn on State Bank of India for Rs. 6,00,000/- (Rupees Six Lakh Only) in favour of Anil Kumar (Respondent No. 3), which was kept in the file concerned with the consent of the parties and the same has been handed over to Sri Anil Kumar (respondent No. 3) has acknowledged the receipt of the same.

c) That today i.e. 19.10.2023, the Petitioner has handed over a remaining amount of Rs. 70,000/- (Rs. Seventy Thousand Only) to the Respondent No. 3, through demand draft bearing no. 907717 dated 26.09.2023 drawn on State Bank of India in favour of Anil Kumar (respondent no. 3) and the Respondent No. 3 has acknowledged the receipt of the same.

d) That as mentioned in para 6 (e) of the interim settlement dated 21.09.2023,

the Brezza Car has been handed over to the petitioner by the Respondent no. 3 today i.e. 19.10.2023 and the Respondent No. 3 has acknowledged the same.

e) That it has been agreed between the parties that 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.

f) That it has also been agreed between the parties that they will not file any case/complaint against each other regarding the present dispute in future also.

g) That it has been agreed between the parties that they shall not violate the terms and conditions of this settlement-agreement, 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 19.5.2023, registered as Case Crime No. 269 of 2023, under Sections 420, 406, 504, 506 IPC, P.S. Ramgarh Tal, District Gorakhpur 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 3.8.2023, the First Information Report dated 19.5.2023, registered as Case Crime No. 269 of 2023, under Sections 420, 406, 504, 506 IPC, P.S. Ramgarh Tal, District Gorakhpur is hereby quashed.

7. The present petition is, accordingly, allowed.

Order Date :- 8.11.2023

Abhishek