

Court No. - 88

Case :- APPLICATION U/S 482 No. - 32322 of 2023

Applicant :- Sunil @ Sunil Kumar

Opposite Party :- State Of U.P.And Another

Counsel for Applicant :- Amir Khan

Counsel for Opposite Party :- G.A.,Hemant Sharma

Hon'ble Sanjay Kumar Singh,J.

Heard learned counsel for the applicant, learned A.G.A. for the State of U.P./opposite party no. 1, learned counsel appearing on behalf of opposite party no. 2 and perused the record.

By means of this application under Section 482 Cr.P.C., applicant has prayed for quashing the criminal proceedings of Case No. 561 of 2018 (*State vs. Pushpendra and Others*) arising out of case crime no. 916 of 2017, under Sections 147, 323, 504, 506 I.P.C., Police Station Khurja Nagar, District Bulandshahr pending in the court of Additional Chief Judicial Magistrate, Khurja, Bulandshahr on the basis of compromise dated 08.06.2018.

It is argued by learned counsel for the applicant that the parties concerned have settled their dispute outside the Court, therefore, the criminal proceedings against the applicant is liable to be quashed.

On the other hand, learned A.G.A. pointed out that in this case, a first information report was lodged on 29.09.2017 by the opposite party no. 2 against five accused persons namely, Pushpendra, Dharmendra, Sunil (present applicant), Pravesh and Rajendra for the alleged offence under Sections 452, 147, 148, 149, 323, 307 and 427 I.P.C. in which after culmination of investigation, charge-sheet has been submitted against all the five accused persons under Sections 147, 323, 504 and 506 I.P.C. It is also pointed out that in the compromise application dated 08.06.2018, name of only present applicant is mentioned and the name of other co-accused are not

mentioned, therefore, the offence cannot be permitted to be compounded.

Having heard the submissions of learned counsel for the parties and perusing the record, I find substance in the submission of learned A.G.A. that no compromise has been taken place between all the accused persons and the complainant/informant of this case. I also find that it is an old matter of the year 2018 but the present status of trial of the applicant and other co-accused have also not been disclosed and even the copy of complete order sheet has also not been filed. This Court is of the view that selective compromise is not permissible under the law.

Accordingly, I do not find any good ground to invoke inherent power under Section 482 Cr.P.C. by this Court.

The application lacks merit, and is accordingly, ***dismissed.***

Order Date :- 19.10.2023

Saurabh