

Court No. - 86

Case :- APPLICATION U/S 482 No. - 32823 of 2023

Applicant :- Chob Singh And 3 Others

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Shiv Sharan Tripathi

**Counsel for Opposite Party :- G.A.,Ashutosh Kumar
Pandey**

Hon'ble Rajiv Gupta,J.

1. Learned counsel for the applicants has filed a supplementary affidavit today in Court, which is taken on record.
2. Heard learned counsel for the applicants, learned AGA for the State, Shri Ashutosh Kumar Pandey, learned counsel for opposite party no.2 and perused the record.
3. This application under Section 482 Cr.P.C. has been filed with the prayer to quash the charge-sheet no.1 of 2012 dated 14.01.2012 and cognizance/summoning order dated 03.04.2012 as well as entire proceedings of Case No. 111 of 2012 (State Vs. Chob Singh and others), arising out of Case Crime No.265 of 2011, under Sections 323, 504, 325 IPC, Police Station Gangiri, District Aligarh, pending in the court of Additional Chief Judicial Magistrate (Jr.Div.), FTC, Court No.2, Aligarh.
4. Learned counsel for the applicants has submitted that on account of trivial dispute over digging of drainage the present incident had taken place and instant criminal case was instituted against the applicants, however subsequently, with the intervention of respected members of the family and society, the parties have amicably and genuinely settled their all disputes and differences in order to maintain harmonious and cordial relations between them and now, they do not have any grievance against each other.
5. Learned counsel for the applicants has next submitted that in the said incident three persons have suffered injured namely Sadhu Singh, Kalicharan and Ram Sahay, however, during the pendency of the case, Ram Sahay has already

passed away in the year 2021. It is further submitted that even the injuries sustained by the victims are noted to be simple in nature except one suffered by Sadhu Singh, who suffered nasal bone fracture, however, author of the injury has not been specified.

6. Learned counsel for the applicants has next drawn the attention of this Court to the compromise deed dated 05.01.2022 drawn between the parties, a copy of which has been annexed as Annexure 5 to this application.

7. Learned counsel for the applicants has next submitted that in view of the said compromise and in order to maintain harmonious and cordial relations between the parties, entire proceedings against the applicants be quashed.

8. Learned counsel for opposite party no.2 and 3 has also appeared and has filed an affidavit on their behalf wherein in paragraph 2, the factum of said compromise has been acknowledged. It is further stated in paragraph 3 of the said affidavit in view of the said said compromise opposite party nos.2 and 3 do not want to further pursue the present proceedings against the applicants and have no objection if the entire proceedings are quashed.

9. Learned AGA could not dispute the aforesaid facts.

10. This Court is not unmindful of the judgement of the Hon'ble Apex Court in the case of **Narindra Singh and others Vs. State of Punjab, (2014) 6 SCC 466, Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat (2017) 9 SCC, 641, Gian Singh Vs. State of Punjab (2012) 10 SCC 303 and State of M.P. Vs. Laxmi Narayanan (2019) 5 SCC 688**, wherein Hon'ble Apex Court has categorically held that compromise can be made between the parties even in respect of certain cognizable and non-compoundable offences. Reference may also be made to the decision given by this Court in **Shaifullah and others Vs. State of U.P. and another [2013 (83) ACC 278]**, in which, law expounded by the Hon'ble Apex Court in the aforesaid cases has been explained in detail.

11. Considering the facts and circumstances of the case, as noted herein above, and also the submissions made by learned counsel for the parties, this Court is of the considered opinion that no useful purpose would be served

by prolonging the proceedings of the above mentioned case.

12. Accordingly, the entire proceedings of Case No. 111 of 2012 (State Vs. Chob Singh and others), arising out of Case Crime No.265 of 2011, under Sections 323, 504, 325 IPC, Police Station Gangiri, District Aligarh, pending in the court of Additional Chief Judicial Magistrate (Jr.Div.), FTC, Court No.2, Aligarh, are hereby quashed.

13. This application under Section 482 CrPC is accordingly allowed.

Order Date :- 17.10.2023

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