

**Court No. - 45**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 14185 of 2023

**Petitioner :-** Sajid Ali And 4 Others

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

**Counsel for Petitioner :-** Rajesh Kumar Singh

**Counsel for Respondent :-** G.A.

**Hon'ble Vivek Kumar Birla,J.**

**Hon'ble Vinod Diwakar,J.**

1. Heard Rajesh Kumar Singh, learned counsel for the petitioners, Shri Vivek Shukla, learned A.G.A. appearing for the State respondent and Shri Prabhakar Pal, learned counsel appearing for the respondent no. 4.

2. This writ petition has been filed praying to quash the impugned First Information Report dated 06.04.2021 registered as Case Crime No. 9 of 2021, under Sections 406, 420, 120-B IPC and Section 66C, 66D of Information Technology (Amended) Act, 2008, P.S. Cyber Crime Police Thana Agra, District Agra.

3. Vide order dated 06.09.2023, the matter was referred to the mediation centre.

4. Perused the office report dated 18.10.2023 and the settlement agreement dated 15.10.2023, 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 15.10.2023. The paragraph 6 is quoted as under:-

*"6. The parties hereto confirm and declare that they have voluntarily and of their own free will arrived at this Settlement Agreement in the presence of the Mediator/Conciliator.*

*a) That the present dispute arose between the parties in Case Crime No. 9 of 2021, under Sections 406, 420, 120B IPC and Section 66C, 66D of Information Technology (Amended) Act, 2008, P.S. Cyber Crime Police Thana Agra, District Agra.*

*b) That the parties have already settled their dispute and in this regard they have produced a 'Len Den Ikrarnama'. The parties stated that all the terms and conditions mentioned therein have been fulfilled. They further reiterate*

*and reaffirm the terms and conditions of the aforesaid 'Len-Den Ikramama' and the same shall be a part of this settlement also. The certified copy of the aforesaid 'Len-Den Ikrarnama' is annexed herewith to this settlement for kind perusal of this 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been agreed between the parties that all the cases filed by them against each other regarding present dispute shall be withdrawn by the parties concerned by taking appropriate steps before the Court/authority concerned.*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 it has also been agreed between the parties that they will not file any case/ complaint against each other regarding if the charge-sheet has not been the present dispute 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 06.04.2021 registered as Case Crime No. 9 of 2021, under Sections 406, 420, 120-B IPC and Section 66C, 66D of Information Technology (Amended) Act, 2008, P.S. Cyber Crime Police Thana Agra, District Agra, 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 15.10.2023, the First Information Report dated 06.04.2021 registered as Case Crime No. 9 of 2021, under Sections 406, 420, 120-B IPC and Section 66C, 66D of Information Technology (Amended) Act, 2008, P.S. Cyber Crime Police Thana Agra, District Agra is hereby quashed.

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

**Order Date :- 18.10.2023**

Shafique