

Court No. - 87

Case :- APPLICATION U/S 482 No. - 34943 of 2023

Applicant :- Daud And Another

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

Counsel for Applicant :- Ajay Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Neeraj Tiwari,J.

Sri Shivam Pandey, Advocate has filed short counter affidavit alongwith Vakalatnama on behalf of opposite party no.2, which is taken on record.

Heard learned counsel for the applicants, learned AGA for the State and Sri Shivam Pandey, learned counsel for opposite party no. 2.

The present application under section 482 Cr.P.C. has been filed for quashing the charge sheet dated 30.12.2021, cognizance order dated 2.7.2022 and the entire proceedings of Criminal Case No. 3262 of 2022, (State vs. Daud and another), arising out of Case Crime No. 222 of 2021, under Sections- 323, 325, 504, 506 IPC, Police Station- Saini, District- Kaushambi, pending in the court of Judicial Magistrate, Kaushambi.

Learned counsel for the applicants submitted that now parties have entered into compromise and no dispute is pending between the parties as on date. He further submitted that this fact has also not been disputed in the short counter affidavit filed by the opposite party no.2. He lastly submitted that in light of compromise as well as short counter affidavit, present proceeding may be quashed.

Sri Shivam Pandey, learned counsel for opposite party no. 2 has supported the case of the applicants on the basis of short counter affidavit. He further submitted that in case this Court is pleased to quash the criminal proceeding pending against the applicants, he has no objection.

Learned AGA has also not disputed the aforesaid facts.

In view of above, the applicants and respondent no. 2 do not want to pursue the case any further as stated by them. The matter has

been mutually settled between the parties, therefore, no useful purpose would be served in proceeding with the matter further.

7. Thus in view of the well settled principle of law as laid down by the Hon'ble Apex Court in the matters of **Krishnappa & Ors. vs. State of Karnataka; 2021 0 Supreme(SC) 529, Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and Ors. vs. State of Gujarat and another; 2017 9 SCC 641, B.S. Joshi Vs. State of Haryana; 2003(4) SCC 675, Nikhil Merchant Vs. Central Burea of Investigation and another; (2008) 9 Supreme Court Cases 677, Gian Singh Vs. Stated of Punjab; (2012) 10 SCC 303 and Narinder Singh & others Vs. State of Punjab and another; (2014) Supreme Today 642**, the proceedings of the aforesaid case is hereby quashed.

The present application is, accordingly **allowed**. No order as to costs.

Order Date :- 30.11.2023

Junaid