

Court No. - 86

Case :- APPLICATION U/S 482 No. - 34197 of 2023

Applicant :- Vikram Upadhyay

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Arvind,P.K. Singh

Counsel for Opposite Party :- G.A.,Kamendra Singh

Hon'ble Rajiv Gupta,J.

1. Short counter affidavit, filed by counsel for the opposite party no.2 today in Court, is taken on record.

2. Heard learned counsel for the applicant, learned AGA for the State, Shri Kamendra Singh, learned counsel for the opposite party no. 2 and perused the record.

3. Learned counsel for the applicant has submitted that on account of monetary dispute, the instant criminal case was instituted against the applicant, however subsequently, with the intervention of respected members of both the family and the society, the parties have amicably and genuinely settled their all disputes and differences and now, they do not have any grievance against each other.

4. Learned counsel for the applicant has drawn the attention of the Court to the settlement agreement dated 22.08.2023 drawn between the parties, a copy of which has been annexed as Annexure 6 to this application.

5. Learned counsel for the applicant has next submitted that in view of the said settlement agreement, the entire proceedings be quashed.

6. Learned counsel for the opposite party no.2 has also appeared and has filed an affidavit on behalf of opposite party no.2 and in para 6 of the said affidavit, compromise has been acknowledged. Further in para 8, it has been stated that requisite amount has already been paid to the opposite party no.2. Further in para 10, it has been stated that he has no objection, if the entire proceedings are quashed.

7. Learned AGA could not dispute the aforesaid facts.

8. his Court is not unmindful of the judgements of the Hon'ble Apex Court in the cases of:-

(i). *B.S. Joshi and others Vs. State of Haryana and another, (2003) 4 SCC 675.*

(ii). *Nikhil Merchant Vs. Central Bureau of Investigation, (2008) 9 SCC 677.*

(iii). *Manoj Sharma Vs. State and others, (2008) 16 SCC 1.*

(iv). *Gian Singh Vs. State of Punjab, (2012) 10 SCC 303.*

(v). *Narindra Singh and others Vs. State of Punjab, (2014) 6 SCC 466.*

9. 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 Hon'ble Apex Court in the aforesaid cases has been explained in detail.

10. 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 present case.

11. Accordingly, the entire proceedings of Case No. 39525 of 2019 (State Vs. Vikram), arising out of Case Crime No. 735 of 2017, under Sections 420, 406, 467, 468, 471, 120-B IPC, Police Station Hari Parvat, District Agra, pending in the court of Chief Judicial Magistrate, Agra, are hereby quashed.

12. This application under Section 482 CrPC is accordingly **allowed.**

Order Date :- 18.10.2023

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