

Court No. - 86

Case :- APPLICATION U/S 482 No. - 33848 of 2023

Applicant :- Tufani And 3 Others

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

Counsel for Applicant :- Fakhruddin

Counsel for Opposite Party :- G.A.,Alauddin

Hon'ble Rajiv Gupta,J.

1. Supplementary affidavit, filed by counsel for the applicants today in Court, is taken on record.
2. Heard learned counsel for the applicants, learned AGA for the State, Shri Alauddin Khan, learned counsel for the opposite party no.2 and perused the record.
3. Learned counsel for the applicants has submitted that on account of sudden quarrel over cutting of standing crops, the instant criminal case was instituted against the applicants, 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 applicants has next drawn the attention of the Court to the settlement agreement dated 15.10.2022 drawn between the parties, a copy of which has been annexed as Annexure 4 to this application.
5. Learned counsel for the applicants has next submitted that even injuries caused to the victim are simple in nature and other injured has already expired.
6. Learned counsel for the applicants has next submitted that in view of the said settlement agreement drawn between the parties and in order to maintain harmonious and cordial relations between them, the entire proceedings be quashed.
7. 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 7 of the said affidavit, settlement agreement has been acknowledged. Further in para 8, it has been stated opposite party no.2 does not want to further pursue the instant proceedings. Further in para 12, it has been stated that opposite party no.2 has no objection, if the

entire proceedings are quashed.

8. Learned AGA could not dispute the aforesaid facts.

9. This 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.

10. 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.

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 instant case.

12. Accordingly, the entire proceedings of Sessions Trial No. 53 of 2010 (State Vs. Tufani and Others), arising out of Case Crime No. 213 of 2006, under Sections 323, 325, 506, 427 IPC, Police Station Mahuli, District Sant Kabir Nagar, pending in the court of Special Judge (SC/ST Act), Sant Kabir Nagar, are hereby quashed.

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

Order Date :- 19.10.2023

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