

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 14968 of 2023

Petitioner :- Smt. Mobina Begum And 5 Others

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Devashish Mitra

Counsel for Respondent :- G.A., Divyansh Rai

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Heard Shri Devashish Mitra, learned counsel for the petitioners, learned A.G.A. appearing for the State respondents and Shri Divyansh Rai, learned counsel appearing for the respondent no. 3.

2. This writ petition has been filed praying to quash the impugned First Information Report dated 16.07.2023 registered as Case Crime No. 291 of 2023, under Sections 420, 467, 648, 471, 506 IPC, P.S. Qilla, District Bareilly.

3. Vide order dated 22.09.2023, the matter was referred to the mediation centre.

4. Perused the office report dated 11.10.2023 and the settlement agreement dated 04.10.2023 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 04.10.2023. The paragraph 6 is quoted as under:-

"6. The following settlement has been arrived at between the Parties hereto:-

a) That the present writ petition has been referred by this Hon'ble Court vide its order dated 22.09.2023 before this Mediation Centre, as the parties has entered into a compromise outside the court and they resolve their dispute in respect of F.I.R. bearing Case Crime No. 291 of 2023 under Section 420, 467, 468, 471 & 506 of I.P.C. Police Station-Qilla, District-Bareilly

b) That respondent no 3 instituted Original Suit No. 91 of 2023 (Zannati Begum Vs Mobina Begum). Original Suit has already been decided by the court below on the basis of compromise between the parties and the sale deed dated 15.04.2023 has been cancelled by the court below. Now no dispute remains between the parties as per agreement, a notarized settlement agreement executed between them on 17.08.2023, a copy whereof is being

annexed herewith for kind perusal of the Hon'ble Court.

c) That it has also been agreed between the parties that all civil and criminal cases filed by them against each other regarding present dispute shall be withdrawn by the parties concerned by taking appropriate steps before the Court/authority concerned.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 the parties will not file any fresh case against each other in respect of this dispute They have no claim against each other 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 16.07.2023 registered as Case Crime No. 291 of 2023, under Sections 420, 467, 648, 471, 506 IPC, P.S. Qilla, District Bareilly 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 04.10.2023, the First Information Report dated 16.07.2023 registered as Case Crime No. 291 of 2023, under Sections 420, 467, 648, 471, 506 IPC, P.S. Qilla, District Bareilly.

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

Order Date :- 12.10.2023

Shafique