

Court No. - 86

Case :- APPLICATION U/S 482 No. - 34639 of 2023

Applicant :- Saddam

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Chandra Prakash Misra

Counsel for Opposite Party :- G.A.,Prakash Sharma

Hon'ble Rajiv Gupta,J.

1. Short counter affidavit, filed by counsel for the opposite party nos.2 to 4 today in Court, is taken on record.

2. Heard learned counsel for the applicant, learned AGA for the State, Shri Prakash Sharma, learned counsel for the opposite party nos.2 to 4 and perused the record.

3. Learned counsel for the applicant has submitted that on account of past enmity, sudden quarrel had taken place between the parties, in respect of which, FIRs have been lodged from both the sides and in the said incident, both the sides have suffered injuries, 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 next drawn the attention of the Court to the settlement agreement dated 18.08.2023 drawn between the parties, a copy of which has been annexed as Annexure 5 to this application.

5. Learned counsel for the applicant has next drawn the attention of the Court to the injury reports of all the three victims, in which, it has been noted by the Doctor that all the injuries suffered by the victims are simple in nature.

6. Learned counsel for the applicant 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 nos.2 to 4 has also

appeared and has filed an affidavit on behalf of opposite party nos.2 to 4 and in para 6 of the said affidavit, settlement agreement has been acknowledged. Further in para 7, it has been stated that in view of the settlement agreement, opposite party nos.2 to 4 have 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 S.T. No. 701 of 2018 (State Vs. Saddam), arising out of Case Crime No. 234 of 2018, under Sections 147, 323, 324, 504, 308 IPC, Police Station Khadda, District Kushi Nagar, pending in the court of Additional Sessions Judge/ F.T.C.-IIInd, Kushi Nagar at

Padrauna, are hereby quashed.

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

Order Date :- 19.10.2023

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