

Court No. - 87

Case :- APPLICATION U/S 482 No. - 34640 of 2023

Applicant :- Dharmveer And 3 Others

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

Counsel for Applicant :- Rakesh Kumar Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Neeraj Tiwari,J.

1. Sri Krishna Kumar, Advocate has put in appearance and filed Vakalatnama along with supplementary counter affidavit on behalf of opposite party No. 2, which is taken on record.

2. Heard learned counsel for the applicants, learned AGA for the State and Sri Krishna Kumar, learned counsel for opposite party No. 2.

2. The present application under section 482 Cr.P.C. has been filed for quashing the entire proceedings of Criminal Case No. 265 of 2023 (State of U.P. Vs. Dharmveer and others), arising out of Case Crime No. 971 of 2022, under Sections 323, 354b, 452, 504, 506 IPC, Police Station Khurja Nagar, District Bulandshahar, pending in the Court of Addl. Chief Judicial Magistrate Khurja, District Bulandshahar.

3. Learned counsel for applicants submitted that applicants have earlier approached this Court by filing Application U/S No. 482 No. 14064 of 2023 in which this Court vide order dated 12.05.2023 has passed the following order:-

"1. Heard learned counsel for the applicants and learned A.G.A. for the State.

2. The present application U/s 482 Cr.P.C. has been filed with the prayer to quash the entire proceedings of Criminal Case No. 265 of 2023 (State of U.P. Vs. Dharmveer and others), arising out of Case Crime No. 971 of 2022, under Sections 323, 354b, 452, 504, 506 IPC, Police Station Khurja Nagar, District Bulandshahar, pending in the Court of Addl. Chief Judicial Magistrate Khurja, District Bulandshahar as well as charge sheet dated 17.12.2022 and cognizance order dated 23.01.2023 in pursuance of compromise deed dated 06.03.2023.

3. Learned counsel for the applicants submits that the parties have reconciled their differences and a compromise has been entered between them, copy of the compromise deed dated 06.03.2023 has been annexed as Annexure-6 to

the affidavit, wherein it has been mentioned that opposite party no. 2 does not want to press the case. Therefore, no useful purpose would be served in continuing the proceedings before the Court below and the same is not only sheer wastage of time of the Court but also abuse of process of law.

4. Learned AGA, however, submits that it is the concerned court below, which has to verify the fact as to whether the parties have entered into compromise, hence the applicants may approach the concerned court below and move an application with respect to compromise between the parties, which will be decided in accordance with law.

5. In view of the above, the parties are directed to appear before the court below along with an application for verification of compromise deed so filed as well as a certified copy of this order within two weeks from today. It is expected that the trial court may fix a date for the verification of the compromise and after ensuring the presence of parties, pass an appropriate order with respect to the same in accordance with law, as expeditiously as possible, preferably within a period of two months from today. While passing the order verifying the compromise, the concerned court shall also record the statement of the parties as to whether all the terms and conditions mentioned in the original compromise deed, so filed, have been fulfilled or not.

6. The court in that scenario will allow the parties to obtain certified copy of the report as well as compromise and it will be open to the applicants to approach this Court again for quashing of the proceedings.

7. Till verification of compromise between the parties by the court concerned, no coercive action shall be taken against the applicants in the aforesaid case.

8. With the aforesaid directions, this application is disposed of. "

4. In compliance of order of this Court dated 12.05.2023 passed in Application U/S No. 482 No. 14064 of 2023, compromise has been verified by A.C.J.M, Khurja, Bulandshahr vide order dated 03.07.2023 which is also annexed as Annexure-8 to this application. Even in supplementary counter affidavit, this fact has not been disputed by opposite party No. 2. Therefore, in light of compromise, present proceeding may be quashed.

5. Sri Krishna Kumar, learned counsel for opposite party No. 2 disputed the aforesaid facts and submitted that in case present proceeding is quashed, he would have no objection.

6. In view of the facts and circumstances of the case, the applicants and opposite party 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.

8. The present application is, accordingly **allowed**.

9. No order as to costs.

Order Date :- 13.10.2023

Sartaj