

Court No. - 87

Case :- APPLICATION U/S 482 No. - 29350 of 2021

Applicant :- Pramod And 8 Others

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

Counsel for Applicant :- Raghubir Singh

Counsel for Opposite Party :- G.A.

Hon'ble Neeraj Tiwari,J.

1. Heard learned counsel for the applicants, learned AGA for the State and Sri Pradeep Kumar Kashyap for the opposite party no.2.

2. Case was heard on 11.1.2023, Court has passed the following order:-

"1. Heard Mr. Raghubir Singh, the learned counsel for applicants and the learned A.G.A. for State.

2. At the very outset, learned counsel for the applicants submits that he be permitted to amend the prayer clause of this application by seeking a challenge to the "cognizance taking order dated 27.11.2020" as well as the "entire proceedings" of criminal case no. 82 of 2020 (State Vs. Pramod and others) under sections 147, 149, 452, 323, 452, 336, 427 I.P.C. and Sections 3 (2) (5) (k) SC/ST Act, Police Station-Nibohara, District-Agra.

3. Prayer made for is bonafide. Same is not opposed by learned A.G.A. It is accordingly allowed.

4. Let necessary amendment be made by learned counsel for applicants in the prayer clause of present application during course of the day.

5. Challenge in this application under Section 482 Cr.P.C. is to the charge-sheet dated 15.10.2020 submitted in Case Crime No. 73 of 2020 under Sections 147, 149, 452, 323, 452, 336, 427 I.P.C. and Sections 3 (2) (5) (k) SC/ST Act, Police Station-Nibohara, District-Agra, Cognizance Taking Order dated 27.11.2020 passed by Special Judge, SC/ST Act, Agra upon aforementioned charge sheet as well as the entire proceedings of consequential Special Case No. 222 of 2020 (State Vs. Pramod and others) now pending in the Court of Special Judge, SC/ST Act, Agra.

6. Present application came up for admission on 16.07.2022 and this Court passed the following order:

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

This application has been moved with the prayer to quash the charge-sheet

dated 15.10.2020, in Case Crime No. 73 of 2020, under Sections 147, 149, 452, 323, 452, 336, 427 IPC and Section 3(2) (5) (k) of SC/ST Act, Police Station Nibohara, District Agra, pending in the Court of Special Judge, S.C./S.T. Act, District Agra, in the light of compromise dated 6.1.2021 arrived between the parties, copy of the same is annexed in the application.

Learned counsel for the applicants states that matter has been compromised between the parties. He further states that the compromise dated 6.1.2021 (annexure-5) has been filed before the Court below but same has not been verified as yet by the learned court below.

On these facts, as the parties have arrived for some amicable settlement regarding which compromise duly arrived at between the parties is pending verification before learned court below and, therefore, it would be in the interest of justice to protect the right of the applicant pending final disposal of the matter. Learned counsel also submits that as the parties have entered into amicable settlement, there is no likelihood of conviction in the matter.

As an interim measure, till the next date of listing, further proceedings of Case Crime No. 73 of 2020, under Sections 147, 149, 452, 323, 452, 336, 427 IPC and Section 3(2) (5) (k) of SC/ST Act, Police Station Nibohara, District Agra, pending in the Court of Special Judge, S.C./S.T. Act, District Agra, shall be kept in abeyance.

However, learned counsel for the applicants, as prayed, is granted three weeks time to get the compromise deed (annexure-5) verified from the court below and file a certified copy thereof, on or before the next date of listing before this Court.

Learned counsel for the applicant is directed to file copy of this order before the court below within 10 days from today for compliance, failing which, interim protection given by this Court shall cease to operate and law will take its own course.

As prayed, list in the week commencing 28.3.2022, as fresh.

7. Pursuant to above order dated 16.02.2022, court below has verified the compromise vide order dated 10.01.2023 and submitted its report to this Court. However, upon perusal of record, Court finds that notice has not yet been issued to first informant/opposite party-2.

8. In view of above, no final order can be passed in present application.

9. Let notice be issued to opposite party-2.

10. Notice shall be made returnable on 01.02.2023.

11. Matter shall re-appear as fresh on 01.02.2023.

12. Interim order granted earlier shall continue till the next date fixed."

3. Pursuant to the order of this Court dated 11.1.2023, learned trial

Court has submitted its report on 10.1.2023 verifying the compromise deed entered between the parties.

4. Learned AGA has not disputed the aforesaid facts and also submitted that in case aforesaid proceeding is quashed, he would have no objection.

5. In view of above, 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.

6. 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 cognizance taking order dated 27.11.2020" as well as the "entire proceedings" of criminal case no. 82 of 2020 (State Vs. Promod and others) under sections 147, 149, 452, 323, 452, 336, 427 I.P.C. and Sections 3 (2) (5) (k) SC/ST Act, Police Station-Nibohara, District-Agra are hereby quashed.

7. The present application is, accordingly **allowed**. No order as to costs.

Order Date :- 3.11.2023

Junaid