

Court No. - 86

Case :- APPLICATION U/S 482 No. - 35314 of 2023

Applicant :- Vazmi And 5 Others

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

Counsel for Applicant :- Irshad Ahmad

Counsel for Opposite Party :- G.A., Mohammad
Abid Ali

Hon'ble Rajiv Gupta,J.

1. Heard learned counsel for the applicants, learned AGA for the State and perused the record.
2. This application under Section 482 Cr.P.C. has been filed with the prayer to quash the entire proceeding of criminal case no. 3012 of 2022, State Vs. Vazmi and others, arising out of case crime no. 79 of 2022, under sections 498-A, 323, 504, 506 I.P.C. and section 3/4 of D.P. Act., P.S. Hayatnagar, District Sambhal as well as charge sheet dated 8.5.2022 and summoning order dated 20.9.2022 passed by Judicial Magistrate, Sambhal on the basis of compromise dated 10.7.2023 entered between the parties, pending in the court of Judicial Magistrate, Court No.1, Sambhal.
3. Learned counsel for the applicants has submitted that on account of matrimonial discord, the instant criminal case was registered against the applicants. However, subsequently, with the intervention of respected members of both the families, the parties have settled all their 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 10.7.2023 drawn between the

parties, copy of which has been filed as Annexure No. 3 to the application.

5. This Court vide order dated 6.11.2023 has directed the parties to appear before the court below and file an application for verification of the original compromise.

6. Pursuant to the said order, both the parties appeared before the court below and in presence of both the parties the court below has verified the said compromise and forwarded its report, copy of which has been annexed with the record which shall form a part of this application.

7. Learned counsel for the applicants has next submitted that in view of the said compromise and in order to maintain harmonious and cordial relations between the parties, entire criminal proceedings be quashed.

8. Learned counsel for O.P No.2 has also appeared and has acknowledged the said compromise and further submitted on instruction that O.P No.2 has no objection, if the entire proceeding against the applicants are quashed.

9. Learned A.G.A could not dispute the aforesaid facts.

10. This Court is not unmindful of the judgements of the Apex Court in the cases of:-

(1). B.S. Joshi and others Vs. State of Haryana and another (2003) 4 SCC 675.

(2). Nikhil Merchant Vs. Central Bureau of Investigation [2008) 9 SCC 677].

(3). Manoj Sharma Vs. State and others (2008) 16 SCC 1.

(4). Gian Singh Vs. State of Punjab (2012) 10 SCC 303.

(5). Narindra Singh and others Vs. State of Punjab (2014) 6 SCC 466.

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, the court is of the considered opinion that no useful purpose shall be served by prolonging the proceedings of the above mentioned case.

12. Accordingly, the entire proceeding of criminal case no. 3012 of 2022, State Vs. Vazmi and others, arising out of case crime no. 79 of 2022, under sections 498-A, 323, 504, 506 I.P.C. and section 3/4 of D.P. Act., P.S. Hayatnagar, District Sambhal, pending in the court of Judicial Magistrate, Court No.1, Sambhal, are hereby quashed.

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

Order Date :- 28.11.2023

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