

Court No. - 90

Case :- APPLICATION U/S 482 No. - 36191 of 2023

Applicant :- Dinesh Chandra

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

Counsel for Applicant :- Opendra Singh

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Pathak,J.

1. Heard learned counsel for the applicant, learned AGA and perused the record.
2. The present applicant has invoked the inherent jurisdiction of this Court under Section 482 Cr.P.C. to quash the order dated 01.06.2023 passed by Session Judge, Firozabad as well as quash entire criminal proceeding of Session Trial no. 336 of 2010 (State Vs. Dinesh and others) arising out of the case crime no. 65A of 2009 under Sections 147, 148, 307/149, 506 IPC Police Station Fariha, District Firozabad pending in the court of Session Judge Firozabad in terms of the compromise dated 22.03.2023 entered into between the parties.
3. Respondent no.2 lodged an FIR, being Case Crime No.65A of 2009, dated 27.03.2009, against five accused persons, including the present applicants, levelling allegation of rioting and attempt to murder with a common object. It is stated that on the date of occurrence i.e. 27.03.2009 at about 7.00 P.M., the accused persons, owing to dispute pertains to tethering cattle, came with lethal arms throwing down the gauntlet with common objects of attempt to murder and fired at the cousin brother of the first informant who sustained gun shot injury. Upon hearing victim's screams, Rakshpal, Lekhraj and others came on spot. However all the accused fled away from the scene of occurrence of offence.
4. It is submitted by learned counsel for the applicant that during pendency of the trial both the parties have entered into compromise and moved an application (paper No.183 B) before the trial court to decide the criminal proceedings on the basis of settlement. However, learned trial court, vide order impugned dated 01.06.2023, rejected the compromise application (paper No.183 B) on the ground that the offenses in question are non-compoundable. It is further submitted that both the parties are family members and with respect to the incident in question Cross FIRs have been lodged by both the parties against each other. Thus, to observe peace and tranquility amongst the family members, the instant application may be allowed on the basis of compromise.
5. Having considered submissions advanced by learned counsel for the applicant and perusal of record, it is manifested that cross FIRs have been lodged by both the

parties against each other, showing the date of incident dated 22.03.2009. Present applicant lodged an FIR, being Case Crime No.65 of 2009, alleging rioting, thrashing and murder, however, on the other hand, respondent no.2 lodged a cross FIR, being Case Crime No.65-A of 2009 alleging rioting and attempt to murder with a common object. Arising out of case Case Crime No.65 of 2009, an application under Section 482 No.36126 of 2023 has been preferred on behalf of Ranveer Singh and others, whereas present application under Section 482 No.36191 of 2023 has been preferred by Dinesh Chandra (the first informant in Case Crime No.65 of 2009) assailing the Case Crime No.65-A of 2009 lodged by respondent no.2. In both the matters serious allegation of using firearm has been made which led severe injury to the victims. Aftermath of the said incident one Mahendra Singh has succumbed to firearm injury in F.I.R. No. 65 of 2009. Having considered the facts and circumstances of the incident dated 22.03.2009, in which respective cross police cases have been filed by both parties, both the cases are not liable to be culminated in the light of the amicably settlement allegedly took place between the parties. Using firearm begetting death and severe injury to a person is grievous in nature which affects the society in large. Therefore, in the public interest, trial should be concluded to its logical end so that a sense of justice could prevail in society and family members of the deceased person and the victim could get justice for the loss as well as pain they have suffered.

6. In the conspectus, as above, I am of the considered view that the criminal proceedings initiated against the present applicant is not liable to be decided on the basis of amicable settlement allegedly took place between the parties. I do not find any illegality, irregularity, perversity or infirmity in the order under challenge passed by the court below, rejecting the application (paper no.183 B) being not found the offence in question to be compoundable. I decline to exercise inherent power to quash the criminal proceedings on the basis of settlement as prayed for in the instant application.

7. Considering the instant application as misconceived and devoid of merits, it is **dismissed** with no orders as to the costs.

Order Date :- 4.12.2023/vkg