

Court No. - 87

Case :- APPLICATION U/S 482 No. - 7655 of 2017

Applicant :- Susheel Kumar And Another

Opposite Party :- State Of U.P.And Another

Counsel for Applicant :- Kashi Naresh Mishra,Bhupendra Pal Singh,Omvir Singh Rajpoot

Counsel for Opposite Party :- G.A.,Ashish Nigam

Hon'ble Neeraj Tiwari,J.

1. Heard learned counsel for the applicants and learned AGA for the State.
2. The present 482 Cr.P.C. application has been filed to quash the charge sheet dated 01.01.2012 as well as entire proceedings of Case No. 43 of 2012, arising out of Case Crime No. 203/2011, under Sections- 363, 366, 376, 506 I.P.C. and Section 3(2)V SC/ST Act, Police Station- Madrak, District- Aligarh pending in the court of Additional Sessions Judge, Court No. 2, Aligarh.
3. Learned counsel for the applicants submitted that present application has been filed with joint affidavit of applicant nos. 1 and 2 (Susheel Kumar & Smt. Lata), who are husband and wife and applicant no. 2 is also victim. He next submitted that now applicant nos. 1 and 2 had solemnized marriage and out of their wedlock, they have blessed with three children. They are living happily, therefore, present proceeding may be quashed.
4. Applicant nos. 1 and 2 are also present before this Court and duly identified by Sri Kashi Naresh Mishra, advocate and their attendance are also recorded on the order sheet. Applicant no. 2 has also stated that she is living happily with applicant no. 1, therefore, criminal proceeding may be quashed against him.
5. Learned AGA has not objected the aforesaid fact and submitted that in case proceedings is quashed, he would have no objection.
6. In view of above, 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**. No order as to costs.

Order Date :- 3.11.2023

Arvind