

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 12755 of 2021

Petitioner :- Santosh P. Narayan

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Rahul Chaudhary, Sr. Advocate

Counsel for Respondent :- G.A., Harish Chandra, Harish Chandra Shukla, Pawan Kumar Shukla

Connected with

Case :- CRIMINAL MISC. WRIT PETITION No. - 11015 of 2021

Petitioner :- Rohit Habbu And 2 Others

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Rahul Chaudhary

Counsel for Respondent :- G.A., Harish Chandra

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Heard Shri Puneet Kumar Pandey, Advocate holding brief of Shri Rahul Chaudhary, learned counsel for the petitioners and Shri Vikash Chandra Tiwari, learned counsel appearing in connected Criminal Misc. Writ Petition No. 11960 of 2023, filed by the informant, which was already dismissed as withdrawn in the light of the compromise entered into between the parties and Shri G.P. Singh, learned A.G.A. for the State-respondents.

2. The aforesaid writ petitions have been filed praying to quash the impugned First Information Report dated 22.01.2021 registered as Case Crime No. 81 of 2021, under Sections 420, 406, 467, 468, 471, 120B IPC, P.S. Kavi Nagar, District Ghaziabad.

3. Vide order dated 17.08.2023 passed in connected Criminal Misc. Writ Petition No. 11960 of 2023, the matters were referred to the mediation centre.

4. Perused the office report dated 15.09.2023 and the settlement agreement dated 25.08.2023, which indicates that matter has been peacefully settled between the parties and they have settled their differences on the terms mentioned in paragraph 6 of the settlement agreement dated 25.08.2023. The paragraph 6 is quoted

as under:-

"6) The following settlement has been arrived at between the Parties hereta:-

a) That both the parties have already settled their dispute and in this regard they have produced a Settlement Agreement dated 18.05.2023 before the Centre. The parties stated that all the terms and conditions mentioned in the aforesaid Settlement Agreement have been fulfill. The parties further reiterate and reaffirm all the the terms and conditions of the aforesaid Settlement Agreement and the same shall be a part of this settlement also. The photocopy of the aforesaid Settlement Agreement is being annexed herewith for kind perusal of the Hon'ble Court.

b) That it has also been agreed between the parties that all the cases filed by them against each other regarding present dispute shall be withdrawn by the parties concerned by taking appropriate steps before the Court/authority concerned.

c) That the parties will not file any fresh case against each other in respect of this dispute. They have no claim against each other in future also.

d) That it has been agreed between the parties that they shall not violate the terms and conditions of this settlement otherwise the aggrieved party will be free to take legal recourse."

5. It is submitted that as between the parties compromise had already taken place therefore, the impugned First Information Report dated 22.01.2021 registered as Case Crime No. 81 of 2021, under Sections 420, 406, 467, 468, 471, 120B IPC, P.S. Kavi Nagar, District Ghaziabad, are liable to be quashed.

6. Thus, in view of the well settled principles of law as laid down by the Hon'ble Apex Court reported in **2003(4) SCC 675 (B.S. Joshi Vs. State of Haryana)**, **J.T. 2008(9) SC 192 (Nikhil Merchant Vs. Central Bureau of investigation and another)**, **(2012) 10 SCC 303 (Gian Singh Vs. State of Punjab)**, **(2014) 9 SCC 653 (Yogendra Yadav and others Vs. State of Jharkhand)** and also **(2014) 6 SCC 466 (Narendra Singh Vs. State of Punjab)**, and in view of the settlement agreement dated 25.08.2023, the impugned First Information Report dated 22.01.2021 registered as Case Crime No. 81 of 2021, under Sections 420, 406, 467, 468, 471, 120B IPC, P.S. Kavi Nagar, District Ghaziabad are hereby quashed.

7. The present petitions are, accordingly, allowed.

Order Date :- 13.10.2023

Shafique