

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 15527 of 2023

Petitioner :- Ajay Chug And Another

Respondent :- The State Of Uttar Pradesh And 2 Others

Counsel for Petitioner :- Syed Imran Ibrahim, Praveen Kumar Singh

Counsel for Respondent :- G.A., Mohd. Ashraf Abbasi

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Heard Shri Syed Imran Ibrahim, learned counsel for the petitioners, Shri Mohd. Ashraf Abbasi, learned counsel for the informant, Shri Ratan Singh, learned A.G.A. for the State-respondents, and perused the record.

2. This writ petition has been filed praying to quash the impugned First Information Report dated 16.9.2023 registered as Case Crime No.169 of 2023, under Sections 420, 406, 506 IPC, P.S. Sector 126 (Commissionerate), District Gautam Budh Nagar.

3. Vide order dated 18.10.2023 the matter was referred to the mediation centre.

4. Perused the office report dated 2.11.2023 and the settlement agreement dated 31.10.2023 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 31.10.2023. The paragraph 6 is quoted as under:-

"6. The following settlement has been arrived at between the Parties hereto:

a) That the petitioner nos. 1 & 2 authorized Shri Arun Singh, S/o Ajay Pal Singh to represent them before the Mediation Centre for aforesaid case. A copy of the authority letter issued to the petitioner nos. 1 & 2 are annexed to this settlement for kind perusal of this Hon'ble court.

b) That the parties stated that they have already settled their dispute and entered into an agreement dated 07.10.2023, which is annexed as SA-1 to the Supplementary Affidavit filed in Criminal Misc. Writ Petition No. 15527 of 2023.

c) That the parties further reiterate and reaffirm that terms and

conditions mentioned in aforesaid agreement dated 07.10.2023, assuch there remains no dispute between the parties now.

d) That in view of the above, if the Hon'ble Court pleases to allow Criminal Misc. Writ Petition No. 15527 of 2023, the Respondent No. 3 shall have no objection in any manner whatsoever.

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the parties that all civil and criminal cases filed by them against each other regarding present dispute shall be withdrawn by the parties concerned by taking appropriate steps before the Court/authority concerned.

f) 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.

g) 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 16.9.2023 registered as Case Crime No.169 of 2023, under Sections 420, 406, 506 IPC, P.S. Sector 126 (Commissionerate), District Gautam Budh Nagar is 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 31.10.2023, the First Information Report dated 16.9.2023 registered as Case Crime No.169 of 2023, under Sections 420, 406, 506 IPC, P.S. Sector 126 (Commissionerate), District Gautam Budh Nagar is hereby quashed.

7. The present petition is, accordingly, allowed.

Order Date :- 2.11.2023

Anil K. Sharma