

Court No. - 87

Case :- APPLICATION U/S 482 No. - 37519 of 2022

Applicant :- Khurshid @ Khursed And 2 Others

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

Counsel for Applicant :- Sunil Kumar Gaur

Counsel for Opposite Party :- G.A.,Rajesh Kumar Singh

Hon'ble Neeraj Tiwari,J.

1. Heard learned counsel for the applicants, learned A.G.A. for the State and Sri Rajesh Kumar Singh, learned counsel for the opposite party No. 2.

2. The present 482 Cr.P.C. application has been filed to quash the charge sheet dated 20.06.2021, cognizance order dated 14.01.2022 in special session trial no. 41 of 2022(State Vs. Khursid & others), arising out of case crime no. 309 of 2022, under Sections- 323, 324, 325, 352, 504, 506, 427, 447, 452 I.P.C. and 3(1)Da & 3(1)Dha SC/ST Act, Police Station- Ramkola, District- Kushinagar, pending in the court of learned Additional Session Judge/Special Judge.

3. Learned counsel for the applicants submitted that earlier, applicants had initiated criminal proceeding against opposite party No. 2 and others, being Case No. 1141 of 2022, in which Application U/s 482 Cr.P.C. No. 36764 of 2022 was filed. He next submitted that aforesaid application was allowed by this Court vide order dated 08.11.2023 quashing the criminal proceedings on the basis of compromise verification report dated 08.02.2023 of compromise entered between the parties. He next submitted that parties have amicably settled their dispute by way of compromise and showing unwillingness to continue proceedings against each other. He next submitted that in light of order of this Court dated 08.11.2023 passed in Application U/s 482 Cr.P.C. No. 36764 of 2022 pertaining the same parties, present criminal proceeding between the same parties may also be quashed.

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

5. Sri Rajesh Kumar Singh, learned counsel for the opposite party No. 2 has filed short counter affidavit, in which he has supported the case of applicants and submitted that in case proceedings

against the applicants is quashed, he would have no objection.

6. In view of the facts and circumstances of the case, the applicants and opposite party no. 2 do not want to pursue the case any further as stated by them. 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**.

9. No order as to costs.

Order Date :- 24.11.2023

ADY