

Court No. - 87

Case :- APPLICATION U/S 482 No. - 36764 of 2022

Applicant :- Malik Mohammad And 4 Others

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

Counsel for Applicant :- Rajesh Kumar Singh

Counsel for Opposite Party :- G.A.,Sunil Kumar Gaur

Hon'ble Neeraj Tiwari,J.

1. Heard learned counsel for the applicants, learned AGA for the State and Sri Manish Kumar, Advocate holding brief of Sri Sunil Kumar Gaur, learned counsel for the opposite party no.2.

2. Case was heard on 18.11.2022, Court has passed the following order:-

"Vakalatnama and short counter affidavit filed today by Sri P.K. Shahi Advocate holding brief of Sri Sunil Kumar Gaur, Advocate on behalf of opposite party no. 2, is taken on record.

Heard Sri Rajesh Kumar Singh, learned counsel for the applicant; Sri P.K. Shahi Advocate holding brief of Sri Sunil Kumar Gaur, learned counsel for the opposite party no. 2; Sri Suresh Bahadur Singh, learned AGA-1 for the State and perused the record of the case.

The instant application has been moved on behalf of the applicants to quash the impugned charge sheet dated 24.2.2021 alongwith cognizance order dated 24.2.2022 in case no. 1141 of 2022, under Sections 147, 323, 325, 352, 504, 427, 447, 452 IPC, pending in the court of CJM, Kushinagar at Padrauna on the basis of compromise executed between the parties.

Learned counsel for the applicants submitted that applicants are facing trial of the present case and during pendency of the trial, applicants and opposite party no. 2 have amicably settled their dispute and in this regard a compromise has also been executed between them which has been annexed as annexure-5 to the affidavit filed in support of the present application. Therefore, the compromise executed between the parties may be verified by the court below.

He next submitted that applicants are ready to appear before the court concerned for verification of the compromise executed between them on the next date fixed by this Court.

Learned counsel appearing on behalf of opposite party no.2 also conceded the fact that both the parties have amicably settled their dispute and opposite parties no.2 is also ready to appear before the court concerned for

verification of compromise.

Learned AGA is having no objection if any such direction is given to the court below for verification of compromise executed between the parties.

As both the parties have amicably settled their dispute and compromise has also been executed between them, therefore, it is directed that both the parties shall appear before the court concerned on 5.12.2022 and shall file an application along with the certified copy of this order for verification of compromise executed between them.

If any such application is moved, then the court below shall verify the compromise alleged to have been executed between the parties, in accordance with law, and shall transmit verification report to this Court.

List this case on 9.1.2023 showing the name of Sri Sunil Kumar Gaur as counsel for the opposite party no. 2.

Office is directed to submit a report on the next date in respect of verification report, if any, forwarded by the court below.

Till the next date of listing, no coercive steps shall be taken against the applicants in the aforesaid case."

3. Pursuant to the order of this Court dated 18.11.2022, learned Chief Judicial Magistrate has submitted its report on 8.2.2023 verifying the compromise deed entered between the parties.

4. Sri Manish Kumar, Advocate holding brief of Sri Sunil Kumar Gaur, learned counsel for the opposite party no.2 has not disputed the aforesaid facts and also submitted that in case aforesaid proceeding is quashed, he would have no objection.

5. In view of above, 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.

6. 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, charge sheet dated 24.2.2021 alongwith cognizance order dated 24.2.2022 in case no.**

1141 of 2022, under Sections 147, 323, 325, 352, 504, 427, 447, 452 IPC is hereby quashed.

7. The present application is, accordingly **allowed**. No order as to costs.

Order Date :- 8.11.2023

Junaid