

Court No. - 87

Case :- APPLICATION U/S 482 No. - 36535 of 2023

Applicant :- Subhash Upadhyay And 2 Others

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

Counsel for Applicant :- Pramod Kumar Panday

Counsel for Opposite Party :- G.A., Shyam Singh

Hon'ble Neeraj Tiwari, J.

1. Heard learned counsel for the applicants, learned AGA for the State and Sri Shyam Singh, learned counsel for the opposite party no.2.

2. Case was heard on 4.10.2023, Court has passed the following order:-

"1. Sri Shyam Singh, Advocate, put in appearance on behalf of opposite party No. 2 has filed vakalatnama, which is taken on record.

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

3. The present 482 Cr.P.C. application has been filed to quash the entire proceeding of S.T. No. 02 of 2014 (State vs. Subhash Upadhyay and others), arising out of case crime No. 133 A of 2012, under Sections 323, 308, 504 I.P.C., Police Station- Jansa, District- Varanasi in light of compromise dated 01.09.2023.

4. Learned counsel for the applicant submits that now parties have entered into compromise, therefore, this Court may please to quash the proceeding for which learned A.G.A. has no objection.

5. Under such facts and circumstances, learned counsel for the applicants is directed to file compromise deed dated 01.09.2023 alongwith application before the trial Court for verification. In case any such application is filed alongwith compromise deed dated 01.09.2023 within two weeks from today, trial court shall fix a date for the verification of the compromise entered into between the parties within four weeks and after verification of compromise, trial Court shall send a report to this Court forthwith.

6. List this case on 17.11.2023 before appropriate Bench.

7. Till then, no coercive action shall be taken against the applicants in the above case.

8. This case shall not be treated tied up or part heard to this Bench."

3. Pursuant to the order of this Court dated 4.10.2023, learned Additional District and Sessions Judge, Varanasi has submitted its report on 1.11.2023 verifying the compromise deed entered between the parties.

4. Sri Shyam Singh, 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. Learned AGA for the State has also not disputed the aforesaid facts.

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 Bureau of Investigation and another; (2008) 9 Supreme Court Cases 677, Gian Singh Vs. State of Punjab; (2012) 10 SCC 303 and Narinder Singh & others Vs. State of Punjab and another; (2014) Supreme Today 642**, the entire proceeding of S.T. No. 02 of 2014 (State vs. Subhash Upadhyay and others), arising out of case crime No. 133 A of 2012, under Sections 323, 308, 504 I.P.C., Police Station- Jansa, District- Varanasi are hereby quashed.

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

Order Date :- 24.11.2023

Junaid