

Court No. - 86

Case :- APPLICATION U/S 482 No. - 37727 of 2023

Applicant :- Sanjay Dwivedi

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

Counsel for Applicant :- Ram Lal Mishra

Counsel for Opposite Party :- G.A.,Amit Tripathi

Hon'ble Rajiv Gupta,J.

1. Short counter affidavit filed by Shri Amit Tripathi on behalf of O.P. No. 3 is taken on record.
2. Heard learned counsel for the applicant, learned counsel for O.P. No.2 and 3 and learned AGA for the State and perused the record.
3. This application under Section 482 Cr.P.C. has been filed with the prayer to quash the entire proceeding of case no. 2137 of 2019, State Vs. Sanjay Dwivedi, under section 452, 504, 506 I.P.C. P.S. Collectorganj, District Kanpur Nagar, arising out of case crime no. 40 of 2018, pending in the court of Additional Civil Judge-6 (Junior Division), District Kanpur Nagar on the basis of compromise dated 14.2.2023.
4. Learned counsel for the applicant has submitted that the applicant and O.P. No.2 are next door neighbours and on account of misunderstandings and misgivings, the instant case was registered against the applicant. However, with the intervention of respected members of both the families, they have settled all their disputes and differences and now they do not have any grievance against each other.
5. Learned counsel for the applicant has next drawn the attention of the Court to the settlement agreement dated 14.2.2023 drawn between the

parties, copy of which has been filed as Annexure No. 3 to the application.

6. Learned counsel for the applicant has next submitted that in view of the said compromise made between the parties and in order to maintain harmonious and cordial relations between the parties, entire criminal proceedings be quashed.

7. Learned counsel for O.P. No. 2 and 3 has also appeared and has filed an affidavit on behalf of O.P. No.2 and 3 and in para 2 of the said affidavit, the compromise has been acknowledged. He has further submitted that the said compromise has been made voluntarily without any coercion. It has been further stated in para nos. 3 and 4 of the said affidavit that O.P . Nos. 2 and 3 does want to proceed further in the instant case and they have no objection , if the entire proceedings against the applicant are quashed.

8. Learned A.G.A. does not dispute the aforesaid facts.

9. This Court is not unmindful of the judgement of the Hon'ble Apex Court passed in the case of ***Narindra Singh and others Vs. State of Punjab, (2014) 6 SCC 466, Parbatbhai Aahir Vs. State of Gujarat, (2017) 9 SCC 641 and State of M.P. Vs. Laxmi Narayan, (2019) 5 SCC 688***, wherein Hon'ble Apex Court has categorically held that compromise can be made between the parties even in respect of certain cognizable and non compoundable offences. Reference may also be made to the decision given by this Court in ***Shaifullah and others Vs. State of U.P. and another [2013 (83) ACC 278]***, in which, law expounded by Hon'bel Apex Court in the aforesaid cases has been explained in detail.

10. Considering the facts and circumstances of the case, as noted herein above, and also the

submissions made by learned counsel for the parties, this Court is of the considered opinion that no useful purpose would be served by prolonging the proceedings of the above mentioned case.

11. Accordingly, entire proceeding of case no. 2137 of 2019, State Vs. Sanjay Dwivedi, under section 452, 504, 506 I.P.C. P.S. Collectorganj, District Kanpur Nagar, arising out of case crime no. 40 of 2018, pending in the court of Additional Civil Judge-6 (Junior Division), District Kanpur Nagar are hereby quashed.

12. This application under Section 482 Cr.PC is accordingly allowed.

Order Date :- 30.11.2023

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