

Court No. - 86

Case :- APPLICATION U/S 482 No. - 38321 of 2023

Applicant :- Bhola Ram Pal And 3 Others

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

Counsel for Applicant :- Kamal Singh

Counsel for Opposite Party :- G.A.,Ashok Kumar Mishra

Hon'ble Rajiv Gupta,J.

1. Short counter affidavit filed on behalf of the opposite party no.2 in Court today is taken on record.

2. Heard learned counsel for the applicants, learned AGA for the State, Shri Laxmi Narayan Rathore, Advocate holding brief of Shri Ashok Kumar Mishra, learned counsel for opposite party no.2 and perused the record.

3. This application under Section 482 Cr.P.C. has been filed with a prayer to quash the impugned charge-sheet no.1 of 2023 dated 16.04.2023, summoning order dated 28.06.2023 as well as entire proceedings of Session Trial No.37 of 2023 (State Vs. Bhola Ram Pal & others) arising out of Case Crime No.0055 of 2023, under Sections 452, 323, 504, 506 IPC and Sections 3(1)Da & 3(1)Dha of S.C./S.T. (Prevention of Atrocities) Act, 1989 (Amendment 2015), P.S. Ata, District Jalaun, pending in the court of Special Judge (SC/ST Act), Jalaun.

4. Learned counsel for the applicants has submitted that the applicants are residents of same village and on account of certain misunderstandings and misgivings, instant criminal proceedings was instituted against the applicants by the opposite party No. 2, however subsequently with the intervention of the respected members of both the families and respectable persons of the society, they have amicably and genuinely settled all their disputes and differences and now they do not have any grievance against each other.

5. Learned counsel for the applicants has next drawn the attention of the Court to a compromise dated 07.07.2023 drawn between the parties, a copy of which has been annexed as Annexure- No.11 to this application.

6. Learned counsel for the applicants next submits that pursuant to the said compromise made between the parties, the applicants had filed an application u/s 482 No.26965 of 2023 before this Court and this Court vide order dated 27.07.2023 had directed the parties to appear before the court below and to file the compromise, which shall be verified in the presence of the parties and after verification, a report shall be submitted by the trial court.

7. Pursuant to the order dated 27.07.2023, both the parties appeared before the trial court and trial court recorded the statement of the parties, who have clearly acknowledged the said compromise made between the parties and in presence of both the parties, the said compromise has been verified and order dated 22.08.2023 has been passed, clearly stating therein that the said compromise has been made voluntarily with the consent of the parties without any coercion and undue influence.

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

9. Learned counsel for opposite party no.2 has also appeared and has filed a short-counter affidavit and in para 6 of the said affidavit, the said compromise has been acknowledged. In para 12 of the affidavit, it has been further stated that the said matter be decided in view of the compromise made between the parties and opposite party no.2 has no objection, if the entire proceedings are quashed.

10. This Court is not unmindful of the judgements of the Apex Court in the cases of :-

1. B.S. Joshi and others Vs. State of Haryana and another (2003) 4 SCC 675.

2. Nikhil Merchant Vs. Central Bureau of Investigation [2008] 9 SCC 677].

3. Manoj Sharma Vs. State and others (2008) 16 SCC 1.

4. Gian Singh Vs. State of Punjab (2012) 10 SCC 303.

5. Narindra Singh and others Vs. State of Punjab (2014) 6 SCC 466.

**6. Ramgopal and Another Vs. State of Madhya Pradesh (2021)
SCC OnLine SC 834.**

**7. Ramawatar Vs. State of Madhya Pradesh Live Law (2021)
SC 589.**

11. Wherein the 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 the law expounded by the Apex court in the aforesaid cases has been explained in detail.

12. Considering the facts and circumstances of the case, as noted herein above, and also the submissions made by the counsel for the parties, the court is of the considered opinion that no useful purpose shall be served by prolonging the proceedings of the above mentioned case.

13. Accordingly, the entire proceedings of Session Trial No.37 of 2023 (State Vs. Bhola Ram Pal & others) arising out of Case Crime No.0055 of 2023, under Sections 452, 323, 504, 506 IPC and Sections 3(1)Da & 3(1)Dha of S.C./S.T. (Prevention of Atrocities) Act, 1989 (Amendment 2015), P.S. Ata, District Jalaun, pending in the court of Special Judge (SC/ST Act), Jalaun, are hereby quashed.

14. This application under Section 482 Cr.P.C. is accordingly **allowed**. There shall be no order as to costs.

Order Date :- 2.11.2023

Zafar