

Court No. - 89

Case :- APPLICATION U/S 482 No. - 37081 of 2023

Applicant :- Masroor Khan

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

Counsel for Applicant :- M. Asif

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
2. The present 482 Cr.P.C. application has been filed to quash the impugned charge-sheet No.472/2018 dated 31.12.2018 as well as entire proceeding of Case No.1490 of 2019 arising out of Case Crime No.450 of 2018 (State vs. Masroor Khan), under Section 406 I.P.C, Police Station- Bilaspur, District- Rampur, pending in the court of Chief Judicial magistrate, Rampur.
3. Learned counsel for the applicant submits that parties have amicably settled their dispute out of the Court and entered into compromise. Thereafter they approach this Hon'ble Court and filed Application 482 Cr.P.C. No.25249 of 2023 for quashing of the proceeding in terms of compromise. Hon'ble Court by order dated 24.07.2023 referred the matter to trial court for verification of the compromise and parties. Trial court vide order dated 04.08.2023 verified the parties. Counsel for the applicant submits that both the parties have settled their dispute and there is no need to keep the proceeding pending. Now opposite party no.2 does not want to proceed further with the case. Allegation in the FIR also does not disclose any criminal offence. Copy of the compromise deed has been filed as Annexure -6 to the affidavit.
4. Learned AGA and learned counsel appearing for the opposite party no. 2 does not dispute the correctness of the fact.
5. In view of the facts and circumstances of the case, the applicant 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, the proceedings of the aforesaid case is hereby quashed.

7. Accordingly, the entire proceedings of Case No.1490 of 2019 arising out of Case Crime No.450 of 2018 (State vs. Masroor Khan), under Section 406 I.P.C, Police Station- Bilaspur, District- Rampur, pending in the court of Chief Judicial Magistrate, Rampur, is, hereby, quashed.

8. This application under Section 482 Cr.P.C is accordingly **allowed**.

Order Date :- 1.11.2023

SKD