

Court No. - 89

Case :- APPLICATION U/S 482 No. - 36920 of 2023

Applicant :- Ajjan@ Mohd Ejaz And 5 Others

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Adil Jamal,Shabeh Jamal

Counsel for Opposite Party :- G.A.,Pervez Husain Khan

Hon'ble Deepak Verma,J.

1. Heard Sri Shabesh Jamal, learned counsel for the applicants, Shri Parvez Husain Khan, learned counsel for the opposite party no.2 and 3 and learned A.G.A. for the State.

2. The present 482 Cr.P.C. application has been filed to quash the entire proceedings in Criminal Case No.2302 of 2013 (State of U.P. Vs. Ajjan @ Mohd. Ejaz and others) arising out of Case Crime No.102 of 2013, under Sections- 147, 148, 149, 323, 506 and 427 I.P.C., Police Station-Anwarganj, District-Kanpur Nagar, pending in the Court of Metropolitan Magistrate, Vth, Kanpur Nagar.

3. Learned counsel for the applicants have submitted that both the parties have amicably settled their dispute out of the court and the agreement made between the parties which was reduced in writing on that account they approached before this Hon'ble Court by filing 482 application No.25904 of 2023. By order dated 20.07.2023 referred the matter to the trial court for verification and the trial court by its order dated 08.08.2023 clarified and submit its report regarding the verification of settlement and agreement between the parties. Learned counsel for the applicants submits that opposite party no.2 (informant) does not want to proceed with the case against the applicants as dispute has been settled between the parties and on the terms of agreement made between the parties, proceeding should be quashed.

4. Learned counsel for the opposite party no.2 also supports submissions raised by learned counsel for the applicant and submitted that opposite party no.2 (informant) has compromised the matter and does not want to proceed against the applicants in the aforesaid offence. Applicants and opposite party no.2 and 3 resides in the same village and are neighbours. Learned AGA submitted that both the parties have settled their dispute out of the

court, hence, no reason to proceed further.

5. Considering the judgement of the Hon'ble Apex Court in the case of **Narindra Singh and others Vs. State of Punjab**, (2014) 6 SCC 466, **Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat** (2017) 9 SCC, 641, **Gian Singh Vs. State of Punjab** (2012) 10 SCC 303 and **State of M.P. Vs. Laxmi Narayanan** (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 the Hon'ble Apex Court in the aforesaid cases has been explained in detail.

6. 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.

7. Accordingly, the impugned order dated 26.07.2023 passed in Criminal Case No.2302 of 2013 (State of U.P. Vs. Ajjan @ Mohd. Ejaz and others) arising out of Case Crime No.102 of 2013, under Sections- 147, 148, 149, 323, 506 and 427 I.P.C., Police Station- Anwarganj, District-Kanpur Nagar, pending in the Court of Metropolitan Magistrate, Vth, Kanpur Nagar, are hereby quashed.

8. This application under Section 482 CrPC is accordingly **allowed**.

Order Date :- 26.10.2023

A Gautam