

Court No. - 86

Case :- APPLICATION U/S 482 No. - 37014 of 2023

Applicant :- Akhtar Raza And 3 Others

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

Counsel for Applicant :- Shaheen Ansari, Ajay Kumar Yadav

Counsel for Opposite Party :- G.A., Mohd. Akbar Shah Alam Khan

Hon'ble Rajiv Gupta, J.

1. Shri Mohd. Akbar Shah Alam Khan, Advocate has filed his vakalatnama as well as compromise affidavit on behalf of opposite party no.2 & 3 today in Court, which is taken on record.

2. Heard learned counsel for the applicants, learned AGA for the State, Shri Mohd. Akbar Shah Alam Khan, learned counsel for opposite party no.2 & 3 and perused the record.

3. This application under Section 482 Cr.P.C. has been filed with the prayer to quash the charge-sheet dated 27.12.2022 and cognizance order dated 15.04.2023 as well as entire proceedings of Case No. 335 of 2023 (State Vs. Akhtar Raza and others), arising out of Case Crime No. 34 of 2022, under Sections 323, 506 and 308 IPC, Police Station Koraon, District Prayagraj, pending in the court of Judicial Magistrate-III, Allahabad.

4. Learned counsel for the applicants has submitted that applicants and opposite party no.2 are closely related and on account of sudden quarrel, the instant criminal case was instituted against the applicants, however subsequently, with the intervention of respected members of the family and society, the parties have amicably and genuinely settled their all disputes and differences in order to maintain harmonious and cordial relations between them and now, they do not have any grievance against each other.

5. Learned counsel for the applicants has next drawn the attention of this Court to the compromise deed dated 15.09.2023 drawn between the parties, a copy of which has

been annexed as Annexure-6 to this application.

6. Learned counsel for the applicants has next submitted that the victim, Javed Khan has suffered three injuries on his persons, however, only one injury has been found to be a fracture injury and the author of the said injury has not been specified.

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

8. Learned counsel for opposite party no.2 has also appeared and has filed a compromise affidavit wherein in paragraph 6, the factum of said compromise has been acknowledged. It is further stated in paragraph 7 that neither opposite party no.2 nor the injured victim are further interest to pursue the present criminal proceedings against the applicants. It is further stated in paragraph 9 that opposite party no.2 as well as the injured victim have no objection if the entire proceedings are quashed.

9. Learned AGA could not dispute the aforesaid facts.

10. This Court is not unmindful of 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.

11. 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.

12. Accordingly, the entire proceedings of Case No. 335 of 2023 (State Vs. Akhtar Raza and others), arising out of Case Crime No. 34 of 2022, under Sections 323, 506 and 308 IPC, Police Station Koraon, District Prayagraj, pending in the court of Judicial Magistrate-III, Allahabad, are hereby quashed.

13. This application under Section 482 CrPC is accordingly allowed.

Order Date :- 18.10.2023

Subham