

Court No. - 87

Case :- APPLICATION U/S 482 No. - 36858 of 2023

Applicant :- Mohd. Salman And Another

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

Counsel for Applicant :- Ankit Kapoor

Counsel for Opposite Party :- G.A., Prashant Pandey

Hon'ble Neeraj Tiwari, J.

1. Heard learned counsel for the applicants and learned A.G.A. for the State.
2. The present 482 Cr.P.C. application has been filed to quash the entire criminal proceedings of Case No.2335 of 2022, under Sections 147, 148, 323, 504, 506, 427 I.P.C. and Section 7 Criminal Law Amendment Act, Police Station Mughal Sarai, District Chandauli on the basis of compromise dated 12.09.2023.
3. The case was heard on 12.10.2023 and the Court has passed the following order:-

"Vakalatnama, filed by Sri Prashant Pandey on behalf of opposite party No.2, is taken on record.

Heard Sri Ankit Kapoor, learned counsel for applicants, Sri Prashant Pandey on behalf of opposite party No.2 and Sri Sunil Kr. Kushwaha, learned A.G.A. for the State.

The present application has been filed for quashing the entire proceeding of Case No. 2335 of 2022 (State vs. Salman and others), u/s 147, 148, 323, 504, 506, 427 I.P.C. and 7 Criminal Law Amendment Act, P.S. Mughal Sarai, District Chandauli, pending before C.J.M., Chandauli.

Learned counsel for the both the parties have submitted that the parties have settled their dispute amicably which was reduced into a written compromise dated 12.9.2023 which annexed at Page No. 47 of the application and a copy of the same has also been filed before the court below.

Considering the above submission, C.J.M., Chandauli is directed to verify the aforesaid compromise after summoning the parties and after verification of the same he will send his report along with the copy of verified compromise to this Court on or before the next date of listing.

List in the week commencing 11.12.2023.

Till the next date of listing, no coercive action shall be taken against the applicants in Case No. 2335 of 2022 (State vs. Salman and others), u/s 147, 148, 323, 504, 506, 427 I.P.C. and 7 Criminal Law Amendment Act, P.S. Mughal Sarai, District Chandauli, pending before C.J.M., Chandauli. "

4. Pursuant to order dated 12.10.2023, compromise has been verified by the trial Court vide order dated 28.11.2023 and the same has been received to this Court from Chief Judicial Magistrate, Chandauli, vide letter dated 28.11.2023.

5. Learned counsel for the opposite party No. 2 has not objected the aforesaid facts and submitted that in case proceedings against the applicants is quashed, he would have no objection.

6. Learned A.G.A. has also not disputed the aforesaid facts.

7. In view of the facts and circumstances of the case, the applicants 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.

8. 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.

9. The present application is, accordingly **allowed**.

10. No order as to costs.

Order Date :- 13.12.2023

Amit