

Court No. - 87

Case :- APPLICATION U/S 482 No. - 37564 of 2023

Applicant :- Shiv Kumar Gond And Another

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

Counsel for Applicant :- Diwan Saifullah Khan

Counsel for Opposite Party :- G.A.

Hon'ble Neeraj Tiwari,J.

1. Sri Birendra Kumar Mishra and Sri Viveka Nand Maurya, advocates have filed vakalatnama on behalf of opposite party no. 2, which is taken on record.

2. Heard learned counsel for the applicants, learned AGA for the State and Sri Viveka Nand Maurya, learned counsel for the opposite party no.2.

3. The present 482 Cr.P.C. application has been filed to quash the entire proceedings of Session Trial No.01 of 2014 arising out of Case Crime No.133 of 2012 (State vs. Ramesh Chandra Gond & others), under Sections 323, 504, 308 I.P.C, Police Station- Jansa, District- Varanasi, pending in the court of IIIrd Additional & Session Judge, Varanasi.

4. Learned counsel for the applicants submitted that earlier applicants have approached this Court by filing Application U/S 482 No. 30510 of 2023 in which Court vide order dated 22.08.2023, disposed of the application with direction to the Trial Court to verify the compromise entered into between the parties. The order dated 22.8.2023 is quoted below:-

"1. Heard learned counsel for the applicants, Sri Arun Kumar Srivastava, learned counsel for the opposite party no.2 and learned A.G.A. for the State.

2. The present 482 Cr.P.C. application has been filed to quash the entire proceedings of Session Trial No.01 of 2014 arising out of Case Crime No.133 of 2012 (State vs. Ramesh Chandra Gond & others), under Sections 323, 504, 308 I.P.C, Police Station- Jansa, District- Varanasi, pending in the court of IIIrd Additional & Session Judge, Varanasi.

3. Learned counsel for the applicants submits that parties have settled the dispute out of the Court. Copy of compromise deed has been filed as Annexure 4 to the application.

4. Learned counsel appearing for the opposite party no. 2 does not dispute

the correctness of the fact.

5. Accordingly, it is provided that the parties shall appear before the court below along with a certified copy of this order on the next date fixed. It is, therefore, expected that the trial court may fix a date for the verification of the compromise entered into between the parties and pass an appropriate order to that effect within next four weeks. It shall be open to the applicants to file a fresh application U/S 482 at that stage for the relief sought herein.

6. In view of the above, the present application is disposed of.

7. For a period of five weeks, no coercive measure shall be taken against the applicants. "

5. Learned counsel for the applicants submitted that in compliance of order dated 22.08.2023, compromise has been verified vide order dated 13.09.2023, therefore, in light of verification of compromise, present proceeding may be quashed.

6. Sri Viveka Nand Maurya, learned counsel for the opposite party no. 2 has not objected the aforesaid fact and submitted that in case proceedings is quashed, he would have no objection.

7. In view of above, 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 Bhimsinbhai 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**. No order as to costs.

Order Date :- 6.11.2023

Arvind