

Court No. - 87

Case :- APPLICATION U/S 482 No. - 37869 of 2023

Applicant :- Naseeb Alam And 3 Others

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

Counsel for Applicant :- Shri Prakash Dwivedi

Counsel for Opposite Party :- G.A.

Hon'ble Neeraj Tiwari,J.

1. Supplementary affidavit filed today, is taken on record.
2. Heard learned counsel for the applicants and learned AGA for the State.
3. The present 482 Cr.P.C. application has been filed to quash the charge sheet dated 3.5.2016 and entire proceeding of Criminal Case No. 1852 of 2020 (State vs. Naseeb Alam and others), arising out of case crime no. 0015 of 2018, under Sections 498-A, 323, 504, 506 IPC and 3/4 of D.P. Act, Police Station- Mahila, District Mirzapur.
4. Case was heard on 31.10.2023, Court has passed the following order:-

"Heard learned counsel for the applicants and learned A.G.A. for the State.

The present 482 Cr.P.C. application has been filed to quash the charge sheet dated 3.5.2016 and entire proceeding of Criminal Case No. 1852 of 2020 (State vs. Naseeb Alam and others), arising out of case crime no. 0015 of 2018, under Sections 498-A, 323, 504, 506 IPC and 3/4 of D.P. Act, Police Station- Mahila, District Mirzapur on the basis of compromise.

Learned counsel for the applicants submits that now parties have entered into compromise, therefore, this Court may please to quash the proceeding for which learned AGA has no objection. Under such facts and circumstances, learned counsel for the applicants is directed to file compromise deed dated 27.9.2023 alongwith application before the trial Court for verification. In case any such application is filed alongwith compromise deed dated 27.9.2023 within two weeks from today, trial court shall fix a date for the verification of the compromise entered into between the parties within four weeks and after verification of compromise, trial Court shall send a report to this Court forthwith.

List this case on 28.11.2023 before appropriate Court.

Till then, no coercive action shall be taken against the applicants.

This case shall not be treated as part heard or tied up to this Bench."

5. Pursuant to the order of this Court dated 31.10.2023, learned Civil Judge (J.D.)/ F.T.C. (Crime Against Women), Mirzapur has verified the compromise on 10.11.2023 and the same has been received to this Court on the same date.

6. Learned counsel for the applicants submitted that on the basis of compromise, present criminal proceeding may be quashed.

7. Learned AGA could not dispute the aforesaid fact.

8. 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.

9. 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.

10. The present application is, accordingly **allowed**. No order as to costs.

Order Date :- 28.11.2023

Arvind