

Court No. - 86

Case :- APPLICATION U/S 482 No. - 38513 of 2023

Applicant :- Bharat Singh And 5 Others

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

Counsel for Applicant :- Ram Pravesh Yadav, Swatantra Kumar Rai

Counsel for Opposite Party :- G.A., Amit Kumar Sharma

Hon'ble Rajiv Gupta, J.

1. Learned counsel for the opposite party no.2 has filed short counter affidavit today in Court, which is taken on record.
2. Heard learned counsel for the applicants, learned AGA for the State, Shri Amit Kumar Sharma, learned counsel for the opposite party no.2 and perused the record.
3. Learned counsel for the applicants has submitted that on account of trivial dispute, the instant criminal case was instituted against the applicants, however subsequently, with the intervention of respected members of both the family and the society, the parties have amicably and genuinely settled their all disputes and differences and now, they do not have any grievance against each other.
4. Learned counsel for the applicants has next drawn the attention of the Court to the settlement agreement dated 13.06.2023 drawn between the parties, a copy of which has been annexed as Annexure 7 to this application.
5. Learned counsel for the applicants has next submitted that in view of the said settlement agreement drawn between the parties as well as in order to maintain harmonious and cordial relations between them, the entire criminal proceedings be quashed.
6. Learned counsel for the opposite party no.2 has also appeared and has filed short counter affidavit on his behalf and in para 5 of the said affidavit, settlement agreement has been acknowledged. Further in para 6, it has been stated that in view of the settlement agreement, the present criminal case be decided.
7. Learned counsel for the opposite party no.2 has further submitted, on instructions, that opposite party no.2 has no objection, if the entire proceedings are quashed.

8. Learned AGA could not dispute the aforesaid facts.

9. This Court is not unmindful of the judgements of the Hon'ble Apex Court in the cases of ***Narindra Singh and others Vs. State of Punjab, (2014) 6 SCC 466, Parbatbhai Aahir Vs. State of Gujarat, (2017) 9 SCC 641*** and ***State of M.P. Vs. Laxmi Narayan, (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.

10. 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 present case.

11. Accordingly, the entire proceedings of Case No. 14487 of 2021 (State Vs. Tarkeshwar Singh and Others), arising out of Case Crime No. 43 of 2020, under Sections 147, 149, 452, 323, 504, 336 IPC, Police Station Dharam Singhwa, District Sant Kabir Nagar, pending in the court of Civil Judge (Jr. Div.)/ Judicial Magistrate, Sant Kabir Nagar, are hereby quashed.

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

Order Date :- 12.12.2023

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