

Court No. - 89

Case :- APPLICATION U/S 482 No. - 37797 of 2023

Applicant :- Jamshed And 13 Others

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

Counsel for Applicant :- Sandeep Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

1. Vakalatnama filed by Sri Abhishek Singh, Advocate, on behalf of opposite party no.2, is taken on record.
2. Heard learned counsel for the applicants, Sri Abhishek Singh, learned counsel for opposite party no.2 and learned A.G.A. for the State.
3. The present 482 Cr.P.C. application has been filed to quash the entire proceedings of Case No.11148 of 2022 arising out of Case Crime No.136 of 2021 (State vs. Jamshed and others), under Sections 147, 148, 149, 352, 323, 336, 506, 325 I.P.C., Police Station-Jarcha, District- Gautam Buddha Nagar, pending in the court of Additional Chief Judicial Magistrate-I, Gautam Buddha Nagar.
4. Learned counsel for the applicants submits that the applicants and opposite party no.2 are relatives and dispute arose between the parties on account of some misconception. Now they have amicably settled their dispute out of Court. Thereafter, applicants approached this Court by filing Application u/s 482 Cr.P.C. No.29386 of 2023. Hon'ble Court by order dated 10.08.2023 referred the matter to the trial court for verification of the parties. Trial court by order dated 16.08.2023 verified the parties and passed order. Learned counsel for the applicants submits that as per as compromise, parties have settled their dispute and now opposite party no.2 does not want to proceed further with the case. Offence alleged in the FIR is compoundable offence.
5. Sri Abhishek Singh, learned counsel appearing for the opposite party no.2 has supported the submission raised by learned counsel for the applicants and submitted that informant does not want to proceed further with the case. They have entered into compromise. He further submits that opposite party no. 2 has no objection, if the proceedings in the aforesaid case are quashed.
6. Learned AGA could not dispute 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. Accordingly, the entire proceedings of Case No.11148 of 2022 arising out of Case Crime No.136 of 2021 (State vs. Jamshed and others), under Sections 147, 148, 149, 352, 323, 336, 506, 325 I.P.C., Police Station-Jarcha, District- Gautam Buddha Nagar, pending in the court of Additional Chief Judicial Magistrate-I, Gautam Buddha Nagar is, hereby, quashed.

10. This application under Section 482 Cr.P.C is accordingly **allowed**.

Order Date :- 12.10.2023/SKD