

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 16161 of 2023

Petitioner :- Avnesh @ Amnesh Kumar And 2 Others

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Kamal Kaushal Upadhyay

Counsel for Respondent :- G.A., Dur Vijay Singh

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Heard Sri Kamal Kaushal Upadhyay, learned counsel for the petitioners, Sri Qamrul Hasan holding brief of Sri Dur Vijay Singh, learned counsel appearing for the informant and learned A.G.A. appearing for the State respondents.

2. This writ petition has been filed praying to quash the impugned First Information Report dated 2.9.2023 registered as Case Crime No. 603 of 2023, under Sections 452, 354Kha, 323, 504, 506 IPC, P.S. Atrauli, District Aligarh.

3. Vide order dated 28.11.2023 the matter was referred to the mediation centre.

4. Perused the office report dated 13.12.2023 and the settlement agreement dated 8.12.2023 which indicates that matter has been peacefully settled between the parties and they have settled their differences on the terms mentioned in paragraph 6 of the settlement agreement dated 8.12.2023. The paragraph 6 is quoted as under:-

"6. The following settlement has been arrived at between the parties hereto:-

a) That the parties stated that they have already settled their dispute amicably and in this regard they have produced a notarized affidavit dated 08.12.2023, which is being annexed to this settlement for kind perusal of the Hon'ble Court.

b) That the parties further reiterate and reaffirm the terms and conditions mentioned in the aforesaid affidavit dated 08.12.2023, as such there remains no dispute between the parties now.

c) That the parties stated they do not want to litigate further as all the disputes and differences has been resolved between the parties.

d) That it has been agreed between the parties that the Respondent No. 3 shall have no objection in any manner whatsoever, if the Hon'ble Court pleases to allow the present Criminal Misc. Writ Petition No. 16161 of 2023.

e) That it has also been agreed between the parties that the cases filed by them against each other regarding present dispute shall be withdrawn by the parties concerned by taking appropriate steps before the Court/authority concerned.

f) That it has also been agreed between the parties that they will not file any case/complaint against each other regarding the present dispute in future also.

g) That it has been agreed between the parties that they shall not violate the terms and conditions of this settlement-agreement, otherwise the aggrieved party will be free to take legal recourse."

5. It is submitted that as between the parties compromise had already taken place therefore, the impugned First Information Report dated 2.9.2023 registered as Case Crime No. 603 of 2023, under Sections 452, 354Kha, 323, 504, 506 IPC, P.S. Atrauli, District Aligarh is liable to be quashed.

6. Thus, in view of the well settled principles of law as laid down by the Hon'ble Apex Court reported in **2003(4) SCC 675 (B.S. Joshi Vs. State of Haryana)**, **J.T. 2008(9) SC 192 (Nikhil Merchant Vs. Central Bureau of investigation and another)**, **(2012) 10 SCC 303 (Gian Singh Vs. State of Punjab)**, **(2014) 9 SCC 653 (Yogendra Yadav and others Vs. State of Jharkhand)** and also **(2014) 6 SCC 466 (Narendra Singh Vs. State of Punjab)** and in view of the settlement agreement dated 8.12.2023, the impugned First Information Report dated 2.9.2023 registered as Case Crime No. 603 of 2023, under Sections 452, 354Kha, 323, 504, 506 IPC, P.S. Atrauli, District Aligarh is hereby quashed.

7. The present petition is, accordingly, allowed.

Order Date :- 14.12.2023

Lalit Shukla