

Court No. - 92

Case :- APPLICATION U/S 482 No. - 38557 of 2023

Applicant :- Sunil Kumar @ Sunil Kumar Garg

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

Counsel for Applicant :- Satya Priya Dwivedi, Utkarsh Singh

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta, J.

1. Heard Sri Satya Priya, learned counsel for the applicant and Sri Mukesh Kumar, advocate holding brief of Sri Manish Srivastava, who has filed vakalatnama on behalf of the opposite party no.2 today in Court, which is taken on record.

2. The instant application has been filed seeking quashing of the cognizance order dated 23-05-2013 as well as entire proceedings of Case No. 1710 of 2013 (State Vs. Sunil Kumar), arising out of case crime no. 28 of 2013, under Sections 406, 504, 506 IPC, P.S. Manjhanpur, district Kaushambi, pending in the court of learned Chief Judicial Magistrate, Kaushambi.

3. Learned counsel for the applicant submits that in the instant case the dispute was with regard to the payment of Rs. 91,980/- and in paragraph 4 of the counter affidavit filed by the opposite party no.2, it is stated that the opposite party no.2 has received the aforesaid amount which was due against the applicant on 08-09-2021.

4. Learned counsel for the applicant and the opposite party no.2 jointly submits that the aforesaid offences are compoundable offences, which have been duly compounded by the applicant by making the payment to the opposite party no.2. In view thereof, learned counsel for the applicant has prayed for quashing of the entire proceedings against the applicant.

5. In view of the aforesaid facts and circumstances of the case, as the opposite party no.2 has already admitted that he has received the entire amount which was due from the applicant herein and the offences are compoundable in nature, which can be compounded before the learned Magistrate where the case is pending, therefore, the instant application is disposed of with a direction to the parties to appear before the learned Magistrate and apply for compounding of offence under Section 320 Cr.P.C.

6. With the aforesaid observations, the instant application stands **disposed of**.

Order Date :- 28.10.2023

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