

Court No. - 86

Case :- APPLICATION U/S 482 No. - 40270 of 2023

Applicant :- Shahnaz Khan

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

Counsel for Applicant :- Syed Faiz Hasnain

Counsel for Opposite Party :- G.A.

Hon'ble Rajiv Gupta,J.

1. A short counter affidavit has been filed on behalf of opposite party no.2 in Court today, which is taken on record.
2. Heard Shri Syed Faiz Hasnain, learned counsel for the applicant, learned AGA for the State, Shri Mohd. Hasham, learned counsel for the opposite party no.2 and perused the record.
3. Learned counsel for the applicant has submitted that on account of monetary dispute between the parties, the instant criminal case was instituted against the applicant, however subsequently, with the intervention of respected members of the family and the society, the parties have amicably and genuinely settled all their disputes and differences and now, they do not have any grievance against each other.
4. Learned counsel for the applicant has next drawn the attention of the Court to the settlement agreement dated 16.03.2023 drawn between the parties, a copy of which has been annexed as Annexure 5 to this application.
5. Learned counsel for the applicant has next submitted that in view of the said settlement agreement, the applicant has filed an application under Section 482 Cr.P.C. No.23822 of 2023 and this Court vide order dated 06.07.2023 had directed the parties to get the said compromise verified.
6. Pursuant to the said order, both the parties appeared and filed a compromise application dated 24.07.2023, which was verified by the trial court on 31.07.2023 clearly stating therein that the said compromise has been made with the consent of the parties without any coercion and undue influence, a copy of which has been filed as Annexure- 2 to the application.
7. Learned counsel for the applicant has next submitted that in

view of the compromise made between the parties and in order to maintain harmonious and cordial relations between them, entire proceedings be quashed against the applicant.

8. Learned counsel for the opposite party no.2 has also appeared and filed a short counter affidavit on behalf of the opposite party no.2 and in paragraph 3 of the said affidavit, the compromise has been acknowledged and has further stated, on instructions that opposite party no.2 has no objection, if the entire proceedings are quashed.

9. Learned AGA could not dispute the aforesaid facts.

10. This Court is not unmindful of the judgements of the Hon'ble Apex Court in the cases of:-

(i). B.S. Joshi and others Vs. State of Haryana and another, (2003) 4 SCC 675.

(ii). Nikhil Merchant Vs. Central Bureau of Investigation, (2008) 9 SCC 677.

(iii). Manoj Sharma Vs. State and others, (2008) 16 SCC 1.

(iv). Gian Singh Vs. State of Punjab, (2012) 10 SCC 303.

(v). Narindra Singh and others Vs. State of Punjab, (2014) 6 SCC 466.

11. 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 Hon'ble Apex Court in the aforesaid cases has been explained in detail.

12. 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.

13. Accordingly, the entire proceedings of Criminal Case No. 7204 of 2019 (State Vs. Shahnaz Khan and others) arising out of Case Crime No. 925 of 2018, under Sections 420, 406, 506 IPC, Police Station Katghar, District Moradabad, pending in the court of

Additional Chief Judge (J.D.) N.C.-2, Judicial Magistrate, Moradabad, are hereby quashed.

14. This application under Section 482 CrPC is accordingly allowed.

Order Date :- 1.11.2023

RKM