

Court No. - 86

Case :- APPLICATION U/S 482 No. - 39058 of 2023

Applicant :- Amit Jaiswal And Another

Opposite Party :- State Of U.P. And Another

Counsel for Applicant :- Santosh Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Rajiv Gupta,J.

1. Sri Vishwanath Mishra, Advocate has filed vakalatnama on behalf of opposite party No. 2 today in Court, which is taken on record.

2. Heard learned counsel for the applicants, learned AGA for the State, Sri Vishwanath Mishra, learned counsel for the opposite party no. 2 and perused the record.

3. This application under Section 482 Cr.P.C. has been filed with a prayer to quash the charge sheet dated 5.1.2015 and cognizance order dated 12.7.2016 as well as entire proceedings of Criminal Case No. 1977 of 2016 (State Vs. Amit Jaiswal and another) arising out of Case Crime No. 739 of 2014, under Sections 406, 419, 420, 411 IPC, P.S.Madanpur, District- Deoria, pending in the court of Civil Judge (Junior Division), Court No. 26, Deoria.

4. Learned counsel for the applicants has submitted that on account of business dispute, the present criminal case was instituted against the applicants, however subsequently with the intervention of the respected members of both the family and society, the parties have entered into a compromise.

5. Learned counsel for the applicants has next drawn the attention of the Court to a settlement-agreement dated 8.2.2023 drawn between the parties, a copy of which has been annexed as Annexure No. 5 to this application. Pursuant to the said compromise, the applicants had approached this Court by filing an Application u/s 482 No. 23817 of 2023 and this Court vide order dated 6.7.2023 had directed the parties to appear before the court below and to get the said compromise verified.

6. Pursuant to the said order dated 6.7.2023, both the parties appeared before the court below and in their presence, the said

compromise has been verified by the court below and a report dated 24.8.2023 has been forwarded to this Court, a copy of which has been annexed as Annexure No. 8 to this application.

7. Learned counsel for the applicants has next submitted that in view of the compromise made between the parties, the entire proceedings be quashed.

8. Learned counsel for the opposite party no. 2 has also appeared and has acknowledged the said compromise and has further submitted stated that the said compromise has also been verified. It has been 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 judgement of the Hon'ble Apex Court in the case of **Narindra Singh and others Vs. State of Punjab, (2014) 6 SCC 466**, 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 the law expounded by the Apex court in the aforesaid cases has been explained in detail.

11. Considering the facts and circumstances of the case, as noted herein above, and also the submissions made by the counsel for the parties, the court is of the considered opinion that no useful purpose shall be served by prolonging the proceedings of the above mentioned case.

12. Accordingly, the entire proceedings of Criminal Case No. 1977 of 2016 (State Vs. Amit Jaiswal and another) arising out of Case Crime No. 739 of 2014, under Sections 406, 419, 420, 411 IPC, P.S.Madanpur, District- Deoria, pending in the court of Civil Judge (Junior Division), Court No. 26, Deoria, are hereby quashed.

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

Order Date :- 26.10.2023

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