

Court No. - 86

Case :- APPLICATION U/S 482 No. - 43816 of 2019

Applicant :- Javed And 3 Others

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

Counsel for Applicant :- Anand Kumar Srivastava, Mohd. Farooq

Counsel for Opposite Party :- G.A., Sageer Ahmad, Syed Mohd. Khalid

Hon'ble Rajiv Gupta, J.

1. Heard learned counsel for the applicants, Shri Sagheer Ahmad, learned counsel for opposite party No. 2, learned AGA for the State and perused the record.
2. This application under Section 482 Cr.P.C. has been filed with a prayer to quash the entire proceedings of Criminal Case No. 45 of 2019 (State Vs. Javed and others) arising out of Case Crime No. 1076 of 2017, under Sections 498-A, 323, 504, 506 IPC, P.S. Baradari, District-Bareilly, pending in the court of Addl. Chief Judicial Magistrate-I, Bareilly.
3. Learned counsel for the applicants has submitted that opposite party No. 2 is the wife of applicant No. 1 and other applicants are his family members and on account of matrimonial discord, instant criminal case has been instituted against the applicants, however with the intervention of the respected members of both the family and society, they 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 applicants has next drawn the attention of the Court to a settlement-agreement dated 19.9.2023 drawn between the parties, a copy of which has been annexed as Annexure No. 3 to the affidavit filed alongwith stay extension application.
5. This court vide order dated 31.10.2023 had directed the parties to appear before the court below and get the said compromise verified. Pursuant to the said order, parties appeared before the court below and in their presence the said compromise has been verified and a report/order dated 8.11.2023 has been forwarded to this Court, certified copy of which has been filed today in Court, which is taken on record.
6. Learned counsel for the applicants 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 applicants.

7. Learned counsel for the opposite party no.2 has also appeared and has acknowledged the said compromise. It has been further stated, on instructions, that opposite party has no objection if the entire proceedings are quashed against the applicants.

8. Learned AGA could not dispute the aforesaid facts.

9. This Court is not unmindful of the judgements of the Apex Court in the cases of :-

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

2. Nikhil Merchant Vs. Central Bureau of Investigation [2008] 9 SCC 677].

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

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

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

Wherein the 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.

10. 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.

11. Accordingly, the entire proceedings of Criminal Case No. 45 of 2019 (State Vs. Javed and others) arising out of Case Crime No. 1076 of 2017, under Sections 498-A, 323, 504, 506 IPC, P.S.Baradari, District-Bareilly, pending in the court of Addl. Chief Judicial Magistrate-I, Bareilly, are hereby quashed.

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

Order Date :- 29.11.2023

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