

Court No. - 87

Case :- APPLICATION U/S 482 No. - 39391 of 2023

Applicant :- Bijendra And Another

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

Counsel for Applicant :- Rajesh Kumar Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Neeraj Tiwari,J.

1. Learned counsel for the applicants has produced certified copy of compromise dated 09.11.2023 with joint signature of applicants and opposite party No. 2, which was verified vide order dated 09.11.2023 by Chief Judicial Magistrate, Mathura. Certified copy of compromise and order dated 09.11.2023 are taken on record.

2. Heard learned counsel for the applicants and learned A.G.A. for the State.

3. The present 482 Cr.P.C. application has been filed to quash the charge sheet dated 15.02.2020, cognizance order dated 22.11.2022 as well as entire proceedings of Case No. 2607/IX/2022 (State Vs. Karan Singh and others), arising out of Case Crime No. 154 of 2019, under Sections- 308, 506 I.P.C., Police Station- Barsana, District- Mathura, pending in the court of Chief Judicial Magistrate, Mathura.

4. The case was heard on 02.11.2023 and the Court has passed the following order:-

"1. Heard learned counsel for the applicants and learned A.G.A. for the State.

2. The present 482 Cr.P.C. application has been filed to quash the charge sheet dated 15.2.2020, cognizance order dated 22.11.2022 as well as entire proceeding of Case No. 2607/IX/2022 (State vs. Karan Singh and others) arising out of case crime no. 0154 of 2019, under Sections 308, 506 IPC, Police Station- Barsana, District Mathura.

3. Learned counsel for the applicants submits that now parties have entered into compromise, therefore, this Court may please to quash the proceeding for which learned AGA has no objection.

4. Under such facts and circumstances, learned counsel for the applicants is directed to file compromise deed dated 10.8.2023 alongwith application before the trial Court for verification. In case any such application is filed

alongwith compromise deed dated 10.8.2023 within one week from today, trial court shall fix a date for the verification of the compromise entered into between the parties within two weeks and after verification of compromise, trial Court shall send a report to this Court forthwith.

5. Connect this application alongwith record of Application U/S 482 NO. 36458 of 2023 and list on the date fixed in the connected matter.

6. Till then, no coercive action shall be taken against the applicants."

5. Learned counsel for the applicants submitted that pursuant to order dated 02.11.2023, compromise has been verified vide order dated 09.11.2023 passed by Chief Judicial Magistrate, Mathura. He next submitted that in light of compromise entered between the parties, criminal proceeding against the applicants may be quashed.

6. Learned A.G.A. has not objected the aforesaid facts.

7. In view of the facts and circumstances of the case, the applicants and opposite party No. 2 do not want to pursue the case any further as stated by them. The matter has been mutually settled between the parties, therefore, no useful purpose would be served in proceeding with the matter further.

8. Thus in view of the well settled principle of law as laid down by the Hon'ble Apex Court in the matters of **Krishnappa & Ors. vs. State of Karnataka; 2021 0 Supreme(SC) 529, Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and Ors. vs. State of Gujarat and another; 2017 9 SCC 641, B.S. Joshi Vs. State of Haryana; 2003(4) SCC 675, Nikhil Merchant Vs. Central Burea of Investigation and another; (2008) 9 Supreme Court Cases 677, Gian Singh Vs. Stated of Punjab; (2012) 10 SCC 303 and Narinder Singh & others Vs. State of Punjab and another; (2014) Supreme Today 642**, the proceedings of the aforesaid case is hereby quashed.

9. The present application is, accordingly **allowed**.

10. No order as to costs.

Order Date :- 17.11.2023

ADY