

Court No. - 86

Case :- APPLICATION U/S 482 No. - 39741 of 2022

Applicant :- Sonu And Another

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

Counsel for Applicant :- Ajay Dubey

Counsel for Opposite Party :- G.A.,Shambhu Mani Tripathi

Hon'ble Rajiv Gupta,J.

1. Heard learned counsel for the applicants, learned A.G.A. for the State, Sri Shambhu Mani Tripathi, learned counsel for O.P. No. 2 and perused the record.

2. This application under Section 482 Cr.P.C. has been filed with the prayer to quash the summoning order dated 29.10.2020 as well as entire proceedings of Case No. 8528 of 2020 arising out of Case Crime No. 45 of 2020, under sections 323, 504, 506, 308 IPC, P.S. Etmadpur, District Agra pending in the court of I-Civil Judge (J.D.)/Judicial Magistrate, Agra.

3. Learned counsel for the applicants has submitted that applicants and opposite party Nos. 2 and 3 are next door neighbours and on account of certain quarrel, first information reports have been lodged from both sides and both sides have suffered injuries, however with the intervention of the respected members of both the family, 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 applicants has drawn the attention of the Court to a settlement-agreement dated 20.9.2022 drawn between the parties, a copy of which has been annexed as Annexure No. 3 to this application.

5. Learned counsel for the applicants has next submitted that pursuant to the said compromise, this court vide order dated 24.2.2023 had directed the parties to appear before the court below and to file the compromise made between the parties, which shall be verified in the presence of the parties and after verification, a report shall be submitted by the court below.

6. Pursuant to the said order, 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 14.03.2023 has been forwarded to this Court, which has been annexed as Annexure SCA-2 to the short counter affidavit. The instant compromise application shall form part of this application

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

8. Learned counsel for the opposite party no.2 and 3 has also appeared and has acknowledged the said compromise made between the parties and has filed short counter affidavit on behalf of the opposite party Nos. 2 and 3 and in paragraph- 4 of the said affidavit, the said compromise has been acknowledged. In paragraph- 5 of the said affidavit, it has been stated that opposite party Nos. 2 and 3 have 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 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.

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 Case No. 8528 of 2020 arising out of Case Crime No. 45 of 2020, under sections 323, 504, 506, 308 IPC, P.S. Etmadpur, District Agra pending in the court of I-Civil Judge (J.D.)/Judicial Magistrate, Agra, are hereby quashed.

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

Order Date :- 21.11.2023

RPD