

Court No. - 88

Case :- APPLICATION U/S 482 No. - 39332 of 2023

Applicant :- Sandeep Singh And 3 Others

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

Counsel for Applicant :- Rama Pati Tripathi

Counsel for Opposite Party :- G.A.,Ratan Singh

Hon'ble Sanjay Kumar Singh,J.

1. Heard Shri Rama Pati Tripathi, learned counsel for the applicants, Shri Ratan Singh, learned counsel appearing on behalf of opposite party no.2 and learned AGA for the State of U.P.

2. This application under Section 482 Cr.P.C. has been filed by the applicants with a prayer to quash charge sheet dated 10.04.2023, cognizance / summoning order dated 17.01.2014 as well as Criminal Case No. 59 of 2014 (State of U.P. Versus Sandeep Singh and others), arising out of Case Crime No.184 of 2013, under Sections 147, 148, 149, 307 IPC and Section 7 C.L.A. Act (Criminal Law Amendment Act), Police Station Sachendi, District Kanpur Nagar, pending in the court of learned A.C.M.M.-III, Kanpur Nagar.

3. Filtering out unnecessary details, the basic facts in brief, which are necessary for disposal of this case as argued by the learned counsel for the applicants are that the opposite party no. 2 lodged a first information report on 04.04.2013 against the applicant nos. 1, 2, 3 and 50 to 60 others for the offence under Sections 147, 148, 149, 307, 506 I.P.C., in which after culmination of investigation, charge sheet has been submitted on 10.04.2013 against the applicants, on which the Magistrate concerned took cognizance on 17.01.2014 and they were summoned to face trial but the applicant nos. 1,2 and 3, namely, Sandeep Singh, Sanjeev Singh and Jangbaj Singh did not appear before the trial Court, whereas, applicant no.4, namely, Arun Singh appeared before the concerned Court below and obtained bail. Thereafter, parties concerned have settled their dispute outside the Court and moved an application dated 21.09.2023 before the concerned court below mentioning therein that the proceedings against the accused persons may be dropped on the basis of the compromise. The said compromise has been verified by learned Additional Chief Judicial Magistrate vide order dated 21.09.2023. Certified copy of the said order has been filed as Annexure 5 to the affidavit. Lastly it is argued by learned counsel for the applicants that it is a case of no injury.

4. On the strength of aforesaid facts, it is submitted that on account of compromise arrived at between the parties concerned, all disputes between them have come to an end, therefore, continuance of criminal proceedings pursuant to impugned charge-sheet against the applicants after compromise between them would be a futile exercise and the same is liable to be quashed by this Court.

5. Learned Additional Government Advocate as well as learned counsel appearing on behalf of opposite party no. 2 do not dispute the aforesaid facts. Learned counsel for opposite party no. 2 has also submitted at the Bar that since the parties concerned have settled their dispute as mentioned above, therefore, opposite party No.2 has no grievance and has no objection in quashing the impugned criminal proceedings against the applicants.

6. After having heard the arguments of learned counsel for the parties, I find that after compromise/settlement arrived at between the parties in the present case, the chance of ultimate conviction is bleak and therefore, no useful purpose is likely to be served by allowing a criminal prosecution against the applicants to continue, as the same would be futile exercise and a sheer wastage of precious time of the Court. The continuation of a criminal proceedings after compromise would cause oppression and prejudice to the parties concerned. If the parties concerned wants to bury the hatchet and are willing to move on in personal dispute on the basis of compromise, they may be allowed to compound the offences in terms of settlement, because in such circumstances the proceedings can hardly be taken to their logical culmination and, the prospect of conviction gets lost.

7. The Apex Court in case of ***State of Madhya Pradesh Vs. Laxmi Narayan and others*** AIR 2019 SC 1296 and ***Ramgopal and another Vs The State of Madhya Pradesh*** 2021Supreme (SC)529 after wholesome treatment has laid down guidelines for quashing of criminal proceedings arising out of non-compoundable offences under Section 320 Cr.P.C. on the basis of compromise, wherein quashing of proceeding of criminal cases which involved non compoundable offences has been approved by the Apex Court if the nature of the offence is private in nature and does not have a serious impact on society.

8. Considering the facts and circumstances of this case in the light of dictum and guidelines laid down by the Apex Court as mentioned above, I find that the case in hand does not have grave and wider social ramifications and the dispute is more or less

confined between the litigating parties, therefore this Court feels that this is a fit case, where this Court can exercise its inherent power to secure the end of justice. In the case in hand interest of justice would be met, if the prayer of parties is acceded to and the criminal proceedings and other litigation between the parties is brought to an end.

9. In view of the above, all the criminal proceedings of the aforesaid case against the applicants are hereby quashed.

10. The instant application under Section 482 Cr.P.C. is ***allowed*** in terms of compromise as mentioned above.

Order Date :- 7.12.2023

RKM