

Court No. - 87

Case :- APPLICATION U/S 482 No. - 39373 of 2023

Applicant :- Dadadu Singh Dadadu And 2 Others

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Arun Kumar Singh

Counsel for Opposite Party :- G.A.,Anuj Mishra

Hon'ble Neeraj Tiwari,J.

1. Heard learned counsel for the applicants, learned AGA and Sri Anuj Mishra, learned counsel for the opposite party nos.2 & 3.

2. The present application under section 482 Cr.P.C. has been filed for quashing the order dated 26.09.2023 as well as entire proceeding of S.T. No. 232 of 2007 (State vs. Angad Singh and others), arising out of Case Crime No. 39 of 2002, under Sections 308, 323, 324 IPC, Police Station- Khanna, District- Hamirpur, pending in the Court of Special Judge (D.A.A.)/ Additional District and Session Judge, Hamirpur.

3. Learned counsel for the applicants submitted that applicants and opposite party nos.2 & 3 are the resident of same village and now they have entered into compromise. He next submitted that compromise has also been filed before Trial Court, which was rejected vide order dated 26.09.2023 on the ground that offence under Section 308 I.P.C. is not compoundable. He next submitted that Apex Court in so many cases has quashed the proceeding including under Section 308 I.P.C. He next submitted that in the compromise counter affidavit, opposite party nos.2 & 3 has not denied the fact of compromise and stated that they do not want to continue criminal proceeding against the applicants. Therefore, in light of compromise, present proceeding may be quashed.

4. Sri Anuj Mishra, learned counsel for the opposite party nos.2 & 3 has not objected the aforesaid fact and submitted that in case proceedings is quashed, he would have no objection.

5. Learned AGA has also not disputed the aforesaid fact.

6. In view of above, the applicants and opposite party nos.2 & 3 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.

7. 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.

8. The present application is, accordingly **allowed**. No order as to costs.

Order Date :- 28.11.2023

Arvind