

Court No. - 86

Case :- APPLICATION U/S 482 No. - 39269 of 2023

Applicant :- Ankit Jain

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

Counsel for Applicant :- Niklank Kumar Jain

Counsel for Opposite Party :- G.A.

Hon'ble Rajiv Gupta,J.

1. Vakalatnama filed by Shri Som Veer on behalf of O.P. No.2 is taken on record.
2. Heard learned counsel for the applicant, learned counsel for O.P. No.2 and learned AGA for the State and perused the record.
3. This application under Section 482 Cr.P.C. has been filed with the prayer to quash the entire proceeding in pursuance of compromise verification order dated 18.9.2023 passed by A.C.J.M, Jalesar, District Etah in case No. 144 of 2019, State Vs. Ankit Jain, arising out of case crime no. 186 of 2018, under section 504, 506 I.P.C. and 67 I.T. Act., P.S Nidhauri Kalan, District Etah, pending in the court of A.C.J.M, Jalesar, Etah.
4. Learned counsel for the applicant has submitted that on account of some misunderstanding and misgivings, the instant criminal case was registered against the applicant. However, subsequently, with the intervention of respected members of both the families, the parties have amicably and genuinely settled all their disputes and differences and now they do not have any grievance against each other.
5. Learned counsel for the applicant has next drawn the attention of the Court to the settlement agreement dated 26.5.2023 drawn between the parties, copy of which has been filed as Annexure No.

6 to the application.

6. Learned counsel for the applicant has next submitted that in view of said settlement agreement dated 26.5.2023, the applicant has filed an Application u/s 482 No.28260 of 2023, Ankit Jain Vs. State of U.P. & others in which this Court vide order dated 4.8.2023 has directed the parties to appear before the court below and file an application for verification of the original compromise which shall be verified by the court below in presence of the parties.

7 . Pursuant to the said order, both the parties appeared before the court below and in presence of both the parties the court below has verified the said compromise and order dated 18.9.2023 has been passed by the court below, a copy of which has been annexed as Annexure No. 7 to this affidavit.

8. Learned counsel for the applicant has next submitted that in view of the said compromise made between the parties and in order to maintain harmonious and cordial relation between the parties, the entire criminal proceedings be quashed.

9. Learned counsel for O.P. No. 2 has also appeared and has submitted, on instructions, that on account of some misunderstanding and misgivings, the present criminal case was instituted against the applicant, however, subsequently, they have compromised the matter which has been verified by the court below. He has further stated, on instructions, that O.P. No.2 has no objection if the entire proceeding are quashed.

10. Learned A.G.A. could not dispute the aforesaid fact.

11. This Court is not unmindful of the judgement of the Hon'ble Apex Court passed in the case of ***Narindra Singh and others Vs. State of Punjab, (2014) 6 SCC 466, Parbatbhai Aahir Vs. State***

of Gujarat, (2017) 9 SCC 641 and State of M.P. Vs. Laxmi Narayan, (2019) 5 SCC 688, wherein Hon'ble 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, law expounded by Hon'ble Apex Court in the aforesaid cases has been explained in detail.

12. Considering the facts and circumstances of the case, as noted herein above, and also the submissions made by learned counsel for the parties, this Court is of the considered opinion that no useful purpose would be served by prolonging the proceedings of the above mentioned case.

13. Accordingly, entire proceedings of case No. 144 of 2019, State Vs. Ankit Jain, arising out of case crime no. 186 of 2018, under section 504, 506 I.P.C. and 67 I.T. Act., P.S Nidhauri Kalan, District Etah, pending in the court of A.C.J.M, Jalesar, Etah, are hereby quashed.

14. This application under Section 482 Cr.PC is accordingly allowed.

Order Date :- 2.11.2023

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