

Court No. - 86

Case :- APPLICATION U/S 482 No. - 39423 of 2023

Applicant :- Om Prakash And 8 Others

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

Counsel for Applicant :- Prashant Kumar Singh

Counsel for Opposite Party :- G.A., Harsh Narayan Singh

Hon'ble Rajiv Gupta, J.

1. Heard learned counsel for the applicants, learned AGA for the State, Shri Harsh Narayan Singh, learned counsel for the opposite party nos.2 to 5 and perused the record.
2. Learned counsel for the applicants has submitted that on account of sudden quarrel between the parties, the instant criminal case was instituted against the applicants, however subsequently, with the intervention of respected members of both the family and the society, the parties have amicably and genuinely settled their all disputes and differences and now, they do not have any grievance against each other.
3. Learned counsel for the applicants has next submitted that as per the injury reports of the injured persons, all the injuries are simple in nature and no abnormality has been caused to any of the injured persons.
4. Learned counsel for the applicants has next submitted that as many as ten persons have been nominated as accused in the instant case, however, general and omnibus allegations have been made against them.
5. Learned counsel for the applicants has next drawn the attention of the Court to the settlement agreement dated 22.11.2023 drawn between the parties, a copy of which has been annexed as Annexure CA-1 to the counter affidavit.
6. Learned counsel for the applicants has next submitted that in view of the said settlement agreement drawn between the parties and in order to maintain harmonious and cordial relations between them, the entire proceedings be quashed.
7. Learned counsel for the opposite party nos.2 to 5 has also appeared and has filed an affidavit on their behalf and in para 10 of the said affidavit, the settlement agreement has been acknowledged. Learned counsel for the opposite party nos.2 to 5 has further stated, on instructions, that they have

no objection, if the entire proceedings are quashed.

8. Learned AGA could not dispute the aforesaid facts.

9. This Court is not unmindful of the judgements of the Hon'ble Apex Court in the cases of:-

(i). B.S. Joshi and others Vs. State of Haryana and another, (2003) 4 SCC 675.

(ii). Nikhil Merchant Vs. Central Bureau of Investigation, (2008) 9 SCC 677.

(iii). Manoj Sharma Vs. State and others, (2008) 16 SCC 1.

(iv). Gian Singh Vs. State of Punjab, (2012) 10 SCC 303.

(v). Narindra Singh and others Vs. State of Punjab, (2014) 6 SCC 466.

10. 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.

11. 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 present case.

12. Accordingly, the entire proceedings of Case No. 118886 of 2023 (State Vs. Sahil and Others), arising out of Case Crime No. 106 of 2022, under Sections 147, 323, 336, 427 IPC, Police Station Narwal, District Kanpur Nagar, pending in the court of Additional Civil Judge (Jr. Div.)-IInd, Court No.2, Kanpur Nagar, are hereby quashed.

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

Order Date :- 15.12.2023

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