

Court No. - 86

Case :- APPLICATION U/S 482 No. - 40392 of 2022

Applicant :- Vinod Pal And 5 Others

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

Counsel for Applicant :- Akhilesh Kumar Mishra

Counsel for Opposite Party :- G.A.,Sheetala Prasad Pandey

Hon'ble Rajiv Gupta,J.

1.Learned counsel for the applicants is permitted to implead Bablu, as opposite party no.3 during the course of the day.

2. Learned counsel for opposite party no.2 has filed a short counter affidavit on behalf of opposite party no.2 & 3 today in Court, which is taken on record.

3. Heard learned counsel for the applicants, learned AGA for the State, Shri Sheetala Prasad Pandey, learned counsel for opposite party no.2 & 3 and perused the record.

4. This application under Section 482 Cr.P.C. has been filed with the prayer to quash the charge-sheet dated 18.09.2020 and 30.09.2020 and cognizance order dated 22.09.2020 as well as entire proceedings of Sessions Case No. 480 of 2022 (State Vs. Sudhir Pal @ Satishpal and others), arising out of Case Crime No. 130 of 2020, under Sections 147, 308, 323, 342, 504, 506 and 336 IPC and Section 7 Criminal Law Amendment Act, Police Station Lalganj, District Basti, pending in the court of Sessions Judge, Basti.

5. Learned counsel for the applicants has submitted that on account of sudden quarrel between the parties, the instant criminal case was instituted against the six applicants along with eight to ten unknown persons, however subsequently, with the intervention of respected members of the family and society, the parties have amicably and genuinely settled their all disputes and differences in order to maintain harmonious and cordial relations between them and now, they do not have any grievance against each other.

6. Learned counsel for the applicants has next drawn the

attention of this Court to the compromise deed dated 28.04.2022 drawn between the parties, a copy of which has been annexed as Annexure-13 to this application.

7. Learned counsel for the applicants has next drawn the attention of this Court to the injury report of the victim Bablu, who has suffered three injuries and all the injuries have been noted to be simple in nature by the doctor. Even in the x-ray report, no bony injury has been found.

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

9. Learned counsel for opposite party nos. 2 & 3 has also appeared and has filed a short counter affidavit wherein in paragraph 6, the factum of said compromise has been acknowledged. It is further stated in paragraph 13 of the said affidavit that opposite party nos.2 & 3 have no objection if the entire proceedings are quashed.

10. Learned AGA could not dispute the aforesaid facts.

11. This Court is not unmindful of the judgement of the Hon'ble Apex Court in the case of **Narindra Singh and others Vs. State of Punjab, (2014) 6 SCC 466, Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat (2017) 9 SCC, 641, Gian Singh Vs. State of Punjab (2012) 10 SCC 303 and State of M.P. Vs. Laxmi Narayanan (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 the 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, the entire proceedings of Sessions Case

No. 480 of 2022 (State Vs. Sudhir Pal @ Satishpal and others), arising out of Case Crime No. 130 of 2020, under Sections 147, 308, 323, 342, 504, 506 and 336 IPC and Section 7 Criminal Law Amendment Act, Police Station Lalganj, District Basti, pending in the court of Sessions Judge, Basti, are hereby quashed.

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

Order Date :- 19.10.2023

Subham