

Court No. - 86

Case :- APPLICATION U/S 482 No. - 40204 of 2023

Applicant :- Nadeem Rafi And 3 Others

Opposite Party :- State Of U.P. Another

Counsel for Applicant :- Jai Prakash Prasad

Counsel for Opposite Party :- G.A.,Rakesh Yadav

Hon'ble Rajiv Gupta,J.

1. Short counter affidavit has been filed on behalf of opposite party nos.3 and 4 today in Court, which is taken on record.

2. Heard learned counsel for the applicants, learned A.G.A. for the State, Sri Rakesh Yadav, learned counsel for opposite party nos.2, 3 and 4 and perused the record.

3. Learned counsel for the applicants has submitted that on account trivial dispute, the present 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.

4. Learned counsel for the applicants has next drawn the attention of the Court to the settlement agreement dated 27.07.2023 drawn between the parties, a copy of which has been annexed as Annexure No.8 to this application.

5. This Court vide order dated 10.08.2023 passed in Application U/s 482 No. 29063 of 2023 (Nadeem Rafi and 3 Others Vs. State of U.P. and Another) had directed the parties to appear before the court below for the verification of the said settlement agreement and to pass appropriate orders thereon.

6. Pursuant to the said order dated 10.08.2023, the parties appeared before the court below and the court below after verifying the settlement agreement in presence of the parties has passed an order dated 13.09.2023, a copy of which has been annexed as Annexure No. 11 to this application.

7. Learned counsel for the applicants has next submitted that in view of the said settlement agreement as well as verification report of the court below, the entire proceedings be quashed.

8. Learned counsel for the opposite party nos.2 to 4 has also appeared and has filed an affidavit on their behalf and has acknowledged the said settlement agreement and has stated, on instructions, that opposite party nos.2 to 4 do not want to further pursue the criminal proceedings against the applicants and they have no objection, if the entire proceedings are quashed.

9. Learned AGA could not dispute the aforesaid facts.

10. 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.

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 Criminal Case No. 31284 of 2022 (State Vs. Nadeem and Others), arising out of Case Crime No. 210 of 2022, under Sections 354-Ka, 323, 504, 506, 452 IPC, Police Station Delhi Gate, District Aligarh, pending in the court of Additional Chief Judicial Magistrate, Court No.1, Aligarh, are hereby quashed.

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

Order Date :- 23.11.2023

RPD