

Court No. - 87

Case :- APPLICATION U/S 482 No. - 43239 of 2018

Applicant :- Ishwar And 4 Ors

Opposite Party :- State Of U.P. And Anr

Counsel for Applicant :- Mohammad Faisal Khan, Sushil Kumar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Neeraj Tiwari, J.

1. Heard learned counsel for the applicants and learned A.G.A. for the State.

2. The present 482 Cr.P.C. application has been filed to quash the charge sheet No. 222 of 2018 dated 13.04.2018 (Case Crime No. 84/2018), under Sections- 147, 148, 149, 452, 323, 504, 506 and 354B I.P.C., Police Station- Kairana, District- Shamli.

3. The case was heard on 11.08.2023 and the Court has passed the following order:-

"1. Heard learned counsel for the applicants and learned A.G.A. for the State.

2. Learned counsel for the applicants submitted that now parties have entered into compromise on 01.08.2022 and the same has also been filed before the trial Court, but till date no verification report has been sent by the trial Court. He further requested that direction may be issued to trial Court to verify the compromise and the send the verification report.

3. Under such facts of the case learned Chief Judicial Magistrate, Shamli at Kairna is directed to verify the compromise dated 01.08.2022 and send verification report to this Court maximum within four weeks.

4. List this case on 15.09.2023.

5. Till then further proceedings of Case Crime no. 84 of 2018 shall remain stayed.

6. Registrar(Compliance) is directed to send a copy of this order to Chief Judicial Magistrate, Shamli at Kairna within 48 hours for strict compliance."

4. Pursuant to order dated 11.08.2023, compromise has been verified by the trial Court vide order dated 06.10.2023 and the

same has been received to this Court from Civil Judge(J.D.) (F.T.C.), Shamli vide letter dated 07.10.2023.

5. Learned counsel for the applicants submitted that in light of compromise entered between the parties, criminal proceeding against the applicants may be quashed.

6. Learned A.G.A. could not dispute the aforesaid facts.

7. In view of the facts and circumstances of the case, the applicants and opposite party no. 2 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.

8. 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.

9. The present application is, accordingly **allowed**.

10. No order as to costs.

Order Date :- 11.12.2023

ADY