

Court No. - 91

Case :- APPLICATION U/S 482 No. - 40871 of 2023

Applicant :- Deepika Pal And Another

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

Counsel for Applicant :- D.K.Ojha

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar,J.

1. Shri Vikas Kumar Ojha, Advocate filed Vakalatnama on behalf of opposite party no.2 is taken on record.

1A. Heard learned counsel for the applicants and Shri Vikas Kumar Ojha, learned counsel for the opposite party no. 2 as well as learned AGA for the state.

2. This application under Section 482 Cr.P.C. has been filed with the prayer to quash the entire criminal case No.3021 of 2018 (State Vs. Deepika Pal and another) and charge sheet No.01/2018 dated 1.05.2018 as well as cognizance order dated 10.07.2018 in Case Crime No.03 of 2018, under sections 420 IPC, Police Station Bakhira, District Sant Kabir Nagar, pending in the Court of Additional Chief Judicial Magistrate, Sant Kabir Nargar.

3. Pursuant to order dated 16.08.2023, the parties appeared before the court below for verification of settlement / compromise, who were duly identified by their counsel's, while verifying the compromise / settlement dated 21.08.2023.

4. It is submitted by learned counsel for the applicant that all the disputes and differences have been settled between the parties. At this stage, learned counsel further submitted that continuation of the proceedings of the aforesaid case will be an abuse of process of law. No fruitful purpose would be served by keeping the matter pending. In support of his contention, learned counsel for the applicant has also placed reliance on the law laid down by Apex Court in ***Gian Singh vs. State of Punjab, (2012), 10 SCC 303, B.S. Joshi and others vs. State of Haryana and another, (2003) 4 SCC 675 and Madan Mohan Abbot vs. State of Punjab, (2008) 4 SCC 582.***

5. On the other hand, learned counsel for the opposite party no.2 submits that since the dispute between the parties has been settled, opposite party no.2 has no objection if the proceedings of the aforesaid complaint case pending before the trial court is quashed.

6. I have considered the submissions made by the learned counsel for the parties and have gone through the entire record.

7. In all the aforesaid cases, the Apex Court has laid down the law that criminal proceedings may be quashed even in non-compoundable cases by the High Court in exercise of its extraordinary jurisdiction to restore peace between the parties and in case the justice so demands. According to Hon'ble Supreme Court, if the offence involve private dispute between the parties of commercial nature or matrimonial dispute and it is not related to heinous offence, the proceedings may be quashed.

8. The facts and circumstances as stated hereinabove are peculiar in the present case. From perusal of the record, it is apparent that in pursuance of settlement agreement, which has been signed between the parties, the respondent no.4 has taken physical possession of the flat bearing no.B15/1805, Eco Village-2 project and to this effect a handing/ taking over the flat was also exuted on 22 September. It also appears that once the physical possession of the flat has been taken by the respondent no.4/ informant after setting his all issues/ grievances fully an finally, with the company and no claim/ grievances/ disputes of any nature survives in between the parties now. As such, looking to the facts and circumstances of the case, no mental depravity is involved in the case. If the request of the parties is denied, it will be amounting to only adding one more criminal case to the already overburdened criminal courts.

9. Since the dispute between the parties has been amicably and mutually settled, no fruitful purpose would be served by permitting to continue the criminal case pending before the trial court and it would simply be a waste of time if the aforesaid case is permitted to continue till its logical conclusion.

10. In view of the above, the Application u/s 482 Cr.P.C. is allowed.

11. The entire proceedings of criminal case No.3021 of 2018 (State Vs. Deepika Pal and another) and charge sheet No.01/2018 dated 1.05.2018 as well as cognizance order dated 10.07.2018 in Case Crime No.03 of 2018, under sections 420 IPC, Police Station Bakhira, District Sant Kabir Nagar, against the applicant are quashed in terms of compromise arrived at between the parties.

Order Date :- 6.11.2023/SFH