

Court No. - 86

Case :- APPLICATION U/S 482 No. - 40272 of 2023

Applicant :- Uday Bhan Singh And Another

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

Counsel for Applicant :- Nanhe Lal Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Rajiv Gupta,J.

1. A short counter affidavit has been filed on behalf of opposite party no.2 in Court today, which is taken on record.
2. Heard learned counsel for the applicants, learned AGA for the State, Shri Prateek Prajapati, learned counsel for the opposite party no.2 and perused the record.
3. Learned counsel for the applicants has submitted that on account of monetary dispute between the parties, the instant criminal case was instituted against the applicants, however subsequently, with the intervention of respected members of the family and the society, the parties have amicably and genuinely settled all their 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 16.10.2023 drawn between the parties, a copy of which has been annexed as Annexure 3 to this application.
5. Learned counsel for the applicant has next submitted that in view of the said settlement agreement and in order to maintain harmonious and cordial relations between them, the entire proceedings be quashed.
6. Learned counsel for the opposite party no.2 has also appeared and has been filed a short counter affidavit. In paragraph 4 of the said affidavit, the compromise has been acknowledged and it has been further stated that opposite party no.2 has no objection, if the entire proceedings are quashed.
7. Learned AGA could not dispute the aforesaid facts.
8. 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.

9. 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.

10. 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.

11. Accordingly, the entire proceedings of Case No. 116528 of 2023 (State Vs. Udaybhan Singh and others) arising out of Case Crime No. 42 of 2022, under Sections 323, 504, 406, 420, 427 IPC, Police Station Fajalgaon, District Commissionerate Kanpur Nagar, pending in the court of Civil Judge (Junior Division), Fast Track Court (Crimes Against Women), Kanpur Nagar, are hereby quashed.

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

Order Date :- 1.11.2023

RKM