

Court No. - 91

Case :- APPLICATION U/S 482 No. - 40996 of 2023

Applicant :- Princess Mahi @ Saher Naqvi

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

Counsel for Applicant :- Saher Naqvi

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar,J.

Heard learned counsel for the applicant, learned counsel for the opposite party no. 2 as well as learned AGA for the state.

This application under Section 482 Cr.P.C. has been filed with the prayer to quash the entire proceedings of criminal case No.36429 of 2022 arising out of case crime No.135 of 2016, under Sections 441 and 447 IPC, Police Station-Civil Lines, District-Prayagraj on the basis of compromise deed dated 22.09.2023.

Pursuant to order dated 25.08.2023, 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 22.09.2023.

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***.

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.

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

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.

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.

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

The entire proceedings of criminal case No.36429 of 2022 arising out of case crime No.135 of 2016, under Sections 441 and 447 IPC, Police Station-Civil Lines, District-Prayagraj on the basis of compromise deed dated 22.09.2023 are quashed in terms of compromise arrived at between the parties.

Order Date :- 6.11.2023

Ashutosh