

Court No. - 87

Case :- APPLICATION U/S 482 No. - 40710 of 2023

Applicant :- Pankaj Kumar Pal

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

Counsel for Applicant :- Yash Garg

Counsel for Opposite Party :- G.A., Akshat Sinha, Sanyukta Singh

Hon'ble Neeraj Tiwari, J.

1. Supplementary affidavit filed on behalf of the applicant is taken on record.

2. Heard Shri Yash Garg, learned counsel for the applicant, learned A.G.A. for the State and Shri Himanshu Pandey, Advocate holding brief of Shri Akshat Sinha, learned counsel for the opposite party No.2.

3. The present 482 Cr.P.C. application has been filed to quash the charge-sheet-II dated 30.06.2021 (Annexure No.2) and charge-sheet No.4 of 2023 as well as entire proceeding of Case No.2795 of 2023 (State vs. Hira Devi & Others) arising out of Case Crime No.437 of 2016, under Sections 420, 467, 468, 471, 120B I.P.C., Police Station Sihani Gate, District Ghaziabad pending in the Court of Additional Civil Judge (S.D.) Court No.3, Ghaziabad.

4. Learned counsel for the applicant submits that FIR in question was lodged against the applicant only for amount of Rs.80,000/-, which is paid to the opposite party No.2. He next submits that applicant is younger person and appointed on the post of Goods Train Manager (GTM) and he has to report for training on 25.11.2023. He next submits that parties have entered into compromise, therefore, in light of compromise between the parties, the criminal proceeding against the applicant may be quashed.

5. Learned counsel for the opposite party No. 2 has not objected the aforesaid facts and submitted that in case proceedings against the applicant is quashed, he would have no objection.

6. 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.

7. 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 against the applicant only.

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

9. In case any application is filed by the co-accused for quashing of the aforesaid charge sheet, this order shall not be treated precedent in that case.

Order Date :- 23.11.2023

Amit/-