

Court No. - 86

Case :- APPLICATION U/S 482 No. - 40806 of 2023

Applicant :- Ravi Kumar And Another

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

Counsel for Applicant :- Amresh Bahadur Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Rajiv Gupta,J.

1. Learned counsel for the applicants is permitted to make necessary correction in the prayer clause of this application.
2. Counter affidavit filed on behalf of the opposite party Nos. 2 and 3 today in Court, is taken on record.
3. Heard learned counsel for the applicants, learned AGA for the State, Shri Anil Kumar Shukla, learned counsel for the opposite party nos.2 and 3 and perused the record.
4. This application under Section 482 Cr.P.C. has been filed with the prayer to quash the summoning order dated 30.8.2023 as well as entire criminal proceedings of Case No. 20202/9 of 2023 (State Vs. Ravi Kumar) arising out of Case Crime No. 159 of 2023, under Sections 323, 504, 506 IPC, Police Station-Kotwali Shamli, District- Shamli, pending in the court of Chief Judicial Magistrate, Shamli.
5. Learned counsel for the applicants has submitted that on account of some misunderstanding and misgivings, the present criminal case has been instituted against the applicants. It is further submitted that Ravi Kumar son of Naresh, applicant no. 1 has also lodged a first information report against the opposite party No. 2 under Sections 147, 323, 452, 504 IPC. Learned counsel for the applicants has next submitted that with the intervention of respected members of both the family and society, parties have amicably and genuinely settled all their disputes and differences and now they do not have any grievance against each other.
6. Learned counsel for the applicants has next drawn the attention of the Court to a compromise application dated 12.10.2023 drawn between the parties, a copy of which has been annexed as Annexure No. 7 to this application wherein it is submitted that opposite party No. 2 do not want to further pursue the present proceedings against the applicants.
7. Learned counsel for the applicants has next submitted that in view of the compromise made between the parties and in order to maintain harmonious and cordial relations between them, the entire proceedings be quashed against the

applicants.

8. Learned counsel for the opposite party no.2, who is also an injured has also appeared and has filed a counter affidavit. In paragraph-3 of the said affidavit, it has been stated that on account of road rage, there was a sudden quarrel between two groups, FIR has been lodged from both the sides. In paragraph-4, it has been further stated that parties have entered into a compromise and now they do not want to prosecute each other and wants to withdraw the cases filed against each other. In paragraph-6 of the affidavit, opposite party No. 2 has further stated that he has no objection if the entire proceedings are quashed.

9. Learned AGA could not dispute the aforesaid facts.

10. This Court is not unmindful of the judgement of the Hon'ble Apex Court in the case of **Narindra Singh and others Vs. State of Punjab, (2014) 6 SCC 466, Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat (2017) 9 SCC, 641, Gian Singh Vs. State of Punjab (2012) 10 SCC 303 and State of M.P. Vs. Laxmi Narayanan (2019) 5 SCC 688**, 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 the law expounded by the Apex court in the aforesaid cases has been explained in detail.

11. Considering the facts and circumstances of the case, as noted herein above, and also the submissions made by the counsel for the parties, the court is of the considered opinion that no useful purpose shall be served by prolonging the proceedings of the above mentioned case.

12. Accordingly, the entire proceedings of Case No. 20202/9 of 2023 (State Vs. Ravi Kumar) arising out of Case Crime No. 159 of 2023, under Sections 323, 504, 506 IPC, Police Station-Kotwali Shamli, District- Shamli, pending in the court of Chief Judicial Magistrate, Shamli, are hereby quashed.

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

Order Date :- 6.11.2023

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