

Court No. - 91

Case :- APPLICATION U/S 482 No. - 42519 of 2023

Applicant :- Irshad Ali And 3 Others

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

Counsel for Applicant :- Sanjay Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar,J.

1. Heard Sri Sanjay Srivastava, learned counsel for the applicants and learned AGA for the state.

2. This application under Section 482 Cr.P.C. has been filed with the prayer to quash the charge sheet dated 06.04.2021 including cognizance order dated 21.08.2021 as well as entire criminal proceeding of Case No. 95253 of 2021, arising out of Case Crime No. 327 of 2020, under Sections 498A, 323, 504 I.P.C. and 3/4 Dowry Prohibition Act, Police Station Kakadeo, District- Kanpur Nagar (State Versus Irshad and others) pending in the Court of M.M.-IInd, Kanpur Nagar.

3. Pursuant to order dated 21.08.2021, 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 09.05.2023.

4. It is submitted by learned counsel for the applicants that it is a property dispute and 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 AGA 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. 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.

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

10. The entire proceedings of Case No. 95253 of 2021, arising out of Case Crime No. 327 of 2020, under Sections 498A, 323, 504 I.P.C. and 3/4 Dowry Prohibition Act, Police Station Kakadeo, District- Kanpur Nagar (State Versus Irshad and others) pending in the Court of M.M.-IIInd, Kanpur Nagar against the applicants are quashed in terms of compromise arrived at between the parties.

Order Date :- 22.11.2023

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