

Court No. - 89

Case :- APPLICATION U/S 482 No. - 40846 of 2023

Applicant :- Gurcharan Singh

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

Counsel for Applicant :- Abhishek Singh, Akshaivar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma, J.

1. Heard learned counsel for the applicant; learned A.G.A. for the State and perused the record.
2. The present 482 Cr.P.C. application has been filed to quash the charge sheet dated 01.09.2021 as well as entire proceedings of Case No.1486 of 2021 (State of U.P. Vs. Tejendra Singh Teji and Another) arising out of Case Crime No.36 of 2020, under Sections 420, 406, 504, 506, 467, 468, 471 I.P.C., P.S. Rampur Maniharan, District Saharanpur, pending before the Judicial Magistrate-I Saharanpur, on the basis of compromise dated 07.07.2023.
3. Learned counsel for the applicants submits that applicant challenged the aforesaid proceedings by way of filing 482 Application No.30472 of 2023 before this Hon. Court and the co-ordinate Bench of this Court vide order dated 06.09.2023 after hearing the parties and considering that parties entered into compromise sent the matter before the trial court for verification of the parties.
4. Pursuant to the said order dated 06.09.2023, the parties appeared before the court below and in their presence, after due verification of the contents of the compromise made between the parties, order dated 28.09.2023 has been passed by the court verifying the said compromise. A copy of the same is annexed as Annexure-7 to the application.
5. Learned counsel for the applicant has submitted that the applicant and opposite party no.2 have settled their private and civil dispute through compromise and as such opposite party no.2 does not wish to press the aforesaid case against the applicant. Opposite party no.2 is ready to withdraw the prosecution of the applicants and in view of the compromise, no fruitful purpose would be served if the prosecution is allowed to go on. It has been next submitted that co-accused also entered into compromise and approached before this Court by filing 482 No.10076 of 2022. The Co-ordinate Bench of this court vide order dated 01.11.2022 allowed the 482 petition and quashed the impugned F.I.R. and cognizance order and applicant's case is similar with co-accused.
6. Learned A.G.A. does not dispute the correctness of the submission made by learned counsel for the applicant or the correctness of the documents relied upon by

him.

7. In view of the facts and circumstances of the case, the applicant 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.

8. 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 Case No.1486 of 2021 (State of U.P. Vs. Tejendra Singh Teji and Another) arising out of Case Crime No.36 of 2020, under Sections 420, 406, 504, 506, 467, 468, 471 I.P.C., P.S. Rampur Maniharan, District Saharanpur, is hereby quashed.

9. This application under Section 482 CrPC is accordingly **allowed**.

Order Date :- 6.11.2023

Meenu Singh