

Court No. - 86

Case :- APPLICATION U/S 482 No. - 41261 of 2023

Applicant :- Nisha Firoz And 2 Others

Opposite Party :- State Of U.P. And Another

Counsel for Applicant :- Anjali Singh

Counsel for Opposite Party :- G.A.

Hon'ble Rajiv Gupta,J.

1. Shri Ankit Pathak, Advocate has filed his vakalatnama on behalf of opposite party no.2 today in Court, which is taken on record.

2. Heard learned counsel for the applicants, learned AGA for the State, Shri Ankit Pathak, learned counsel for opposite party no.2 and perused the record.

3. This application under Section 482 Cr.P.C. has been filed with the prayer to quash impugned summoning order dated 22.08.2017 as well as entire proceedings of Complaint Case No. 204 of 2015 (Ghufran Ahmad Vs. Nisha Firoz and others), under Sections 419 and 420 IPC, Police Station Shahganj, District Jaunpur, pending in the court of Additional Civil Judge (Jr. Division)-3rd/J.M., Jaunpur.

4. Learned counsel for the applicants has submitted that on account of property dispute, the instant criminal case was instituted against the applicants, however subsequently, with the intervention of respected members of the family and society, the parties have amicably and genuinely settled their all disputes and differences in order to maintain harmonious and cordial relations between them and now, they do not have any grievance against each other.

5. Learned counsel for the applicants has next submitted that on the basis of the said compromise made between the parties, the applicants approached this Court in Application u/s 482 No.22413 of 2023 (Nisha Firoz and 2 others Vs. State of U.P. and Another) and filed a copy of compromise application dated 11.05.2023 and this Court vide order dated 27.06.2023 had directed the parties to appear before the court below and file a copy of the said compromise application, which shall be verified by the

court below and after verification of the compromise, a report be submitted to this Court.

6. Learned counsel for the applicants has next drawn the attention of this Court to the compromise deed dated 20.09.2023 drawn between the parties, a copy of which has been annexed as Annexure-8 to this application.

7. Pursuant to the said order dated 27.06.2023, the parties appeared before the court below and filed a compromise deed dated 20.09.2023 and in their presence, after due verification of the contents of the compromise deed made between the parties, an order dated 28.09.2023 has been passed by the court below, a copy of which has been annexed as Annexure 8 to this application, wherein it has been stated that on the basis of the compromise filed by the parties, who have been identified by their respective counsels, the said compromise has been verified in their presence.

8. Learned counsel for the applicants has next submitted that in view of the said compromise as well as report of the court below and in order to maintain harmonious and cordial relations between the parties, entire proceedings against the applicants be quashed.

. Learned counsel for opposite party no.2 has also appeared and has acknowledged the said compromise. He has further stated, on instructions, that opposite party no.2 has no objection, if the entire proceedings are quashed.

10. Learned AGA could not dispute the aforesaid facts.

11. 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, law expounded by the Hon'ble Apex Court in the aforesaid cases has been explained in detail.

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

13. Accordingly, the entire proceedings of Complaint Case No. 204 of 2015 (Ghufran Ahmad Vs. Nisha Firoz and others), under Sections 419 and 420 IPC, Police Station Shahganj, District Jaunpur, pending in the court of Additional Civil Judge (Jr. Division)-3rd/J.M., Jaunpur, are hereby quashed.

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

Order Date :- 8.11.2023
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