

Court No. - 92

Case :- APPLICATION U/S 482 No. - 41631 of 2023

Applicant :- Saleem @ Amid Ahmad And 4 Others

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

Counsel for Applicant :- Manoj Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta,J.

1. Heard Sri Manoj Kumar Srivastava, learned counsel for the applicants and Sri Ramesh Kumar, learned A.G.A. for the State.

2. The instant application under section 482 Cr.P.C. has been filed seeking quashing of entire proceedings of Complaint Case No.96 of 2020 (Naushad Vs. Saleem and others), under Sections 395, 323, 504, 506, 452 I.P.C., Police Station - Kannauj, District - Kannauj, pending before learned Special Judge (D.A.A.)/Additional Sessions Judge/F.T.C. Court No.2, Kannauj on the basis of compromise.

3. Learned counsel for the applicants submits that on earlier occasion the applicants had filed an application under Section 482 No.27034 of 2022 (Saleem Alias Amid Ahmad and 4 others Vs. State of U.P. and another) which was disposed of by this Court vide order dated 12.10.2022, which reads as follows:

"Heard learned counsel for the applicants, learned A.G.A. for the State and learned counsel appearing for respondent no.2.

Learned counsel for the applicants submits that applicant No.5 is wife of the respondent no.2. All the applicants have entered into compromise with respondent no.2 and have amicably resolved the dispute out side the court. Compromise has already been filed before the learned court below in Case No. 363 of 2022, under Sections 395, 323, 504, 506, 452 I.P.C.,P.S. Kannauj, District Kannau, which is pending before the Court of Special Judge (Dacoity Affected Area)/Additional District and Session Judge/F.T.C.II, Kannauj. It is submitted on behalf of the applicants that since parties have resolved the dispute, therefore, the compromise may be directed to be verified, to which learned AG.A has no objection.

In view of the above and with the consent of the parties counsel, the writ petition is finally disposed of with a direction to the parties to appear before the trial court on 03.11.2022 which shall verify the compromise in presence of the parties within next one week. The trial Court shall provide a copy of the verification report to the parties, a copy of the compromise be placed on record. It will be open to the applicants to approach this Court again for quashing of the proceeding.

For a period of two months, the impugned proceeding shall be kept in abeyance.

Writ petition is disposed of."

4. Learned counsel for the applicants submits that the instant proceedings were initiated by opposite party no.2, who is husband of applicant no.5 due to matrimonial discord between the parties. Now, the parties have settled their dispute amicably out of Court, for which compromise between the parties has already been filed in pursuance of order dated 12.10.2022 passed by this Court. The compromise has been verified by the concerned trial court on 03.11.2022. The certified copy of compromise dated 05.07.2022 and the order verifying the compromise passed by the trial court dated 03.11.2022 have been placed on record as Annexure - 5 to the instant application. In view of the above, learned counsel for the applicants prays for quashing of the entire proceedings on the basis of compromise.

5. Learned A.G.A. does not dispute the factum of compromise between the parties.

6. Having heard the submissions made by learned counsel for the parties, this Court has carefully perused the record of the case, it is apparent that applicant no.5 is the wife of opposite party no.2 and due to the matrimonial discord between the parties, the parties have filed several cases and now the parties have settled their dispute amicably outside the Court due to intervention of elders and well-wishers of both the parties and the compromise has been duly verified by the trial court.

7. In view of the said compromise, no fruitful purpose would be served keeping the writ petition pending against the applicants.

8. Therefore, in view of the judgements in the cases of **Gian Singh Vs. State of Punjab and another (2012) 10 SCC 303**, **Narinder Singh and others Vs. State of Punjab (2014) 6 SCC 466** and **Prabatbhai Aahir alias Prabatbhai Bhimsinghbhai Karmur and others Vs. State of Gujarat and another (2017) 9 SCC 641**, the entire proceedings of the aforesaid criminal case are hereby **quashed**.

9. The application is **allowed**.

Order Date :- 29.11.2023

Atul