

Court No. - 86

Case :- APPLICATION U/S 482 No. - 41933 of 2023

Applicant :- Mohammad Khalid And 4 Others

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

Counsel for Applicant :- Girish Tiwari

Counsel for Opposite Party :- G.A., Monu Upadhyay

Hon'ble Rajiv Gupta, J.

1. Short counter affidavit filed by Shri Monu Upadhyay on behalf of O.P. No.2 is taken on record.

2. Heard learned counsel for the applicants, Shri Pankaj Kumar Mishra, holding brief of Shri Monu Upadhyay, learned counsel for O.P. No.2 and learned AGA for the State and perused the record.

3. This application under Section 482 Cr.P.C. has been filed with the prayer to quash the entire criminal proceedings as well charge sheet dated 20.9.2021 as well as cognizance order dated 4.12.2021 passed by A.C.J.M (Ist), Rampur, in case No. 2812 of 2021, State Vs. Mohd. Khalid and others, arising out of case crime no. 0173 of 2021, u/s 147, 148, 149, 324, 452, 504 I.P.C., P.S. Kotwali, District Rampur.

4. Learned counsel for the applicants has submitted that on account of certain misunderstandings and misgivings, the instant criminal case was registered against the applicants. However, with the intervention of respected members of both the families, they have settled all their disputes and differences and now they do not have any grievance against each other.

5. Learned counsel for the applicants has next drawn attention of the Court to the injury report of the victim Faisal Khan, O.P. No.2. From perusal of the injury report, it is evident that injuries received by the victim have been noted to be simple in nature by the Doctor who has examined the victim.

6. Learned counsel for the applicants has next

drawn the attention of the Court to the compromise application dated 17.7.2023 drawn between the parties supported by an affidavit, copy of which has been filed as Annexure No. 5 to the application, wherein it has been stated that the dispute between the parties has amicably been settled and O.P. NO.2 does not want to further peruse the instant case against the applicants.

7. Learned counsel for the applicants has next submitted that in view of the said compromise made between the parties and in order to maintain harmonious and cordial relations between the parties, entire criminal proceedings be quashed.

8. Learned counsel for O.P. No. 2 has also appeared and has filed an affidavit on behalf of O.P. No.2 and in para 6 of the affidavit, the said compromise has been acknowledged. It is further stated in para 8 of the affidavit that O.P. No.2 has no objection, if the entire proceeding against the applicants is quashed.

9. Learned A.G.A. could not dispute the aforesaid facts.

10. This Court is not unmindful of the judgement of the Hon'ble Apex Court passed in the case of ***Narindra Singh and others Vs. State of Punjab, (2014) 6 SCC 466, Parbatbhai Aahir Vs. State of Gujarat, (2017) 9 SCC 641 and State of M.P. Vs. Laxmi Narayan, (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 Hon'ble 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 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.

12. Accordingly, entire proceedings of case No. 2812 of 2021, State Vs. Mohd. Khalid and others, arising out of case crime no. 0173 of 2021, u/s 147, 148, 149, 324, 452, 504 I.P.C. P.S. Kotwali, District Rampur, pending in the court of A.C.J.M. (Ist), Rampur are hereby quashed.

13. This application under Section 482 Cr.PC is accordingly allowed.

Order Date :- 1.12.2023

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