

Court No. - 87

Case :- APPLICATION U/S 482 No. - 42341 of 2022

Applicant :- Bhutto Alias Arshad And 2 Others

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

Counsel for Applicant :- Mohd. Naim Siddiqui, Prem Shankar Sharma

Counsel for Opposite Party :- G.A., Avaneendra Kumar, Avanindra Kumar

Hon'ble Neeraj Tiwari, J.

1. Heard learned counsel for the applicants, learned A.G.A. for the State and Sri Avanindra Kumar, learned counsel for the opposite party No. 2.

2. The present 482 Cr.P.C. application has been filed to quash the charge sheet dated 08.04.2018 in Case Crime No. 0028 of 2018, under Section 504, 506, 307 IPC and Section 7 of Criminal Law Amendment Act, 1932, Police Station- Khuldabad, District-Allahabad as well as further proceeding in pursuance to the impugned order dated 24.09.2019 passed in Case No. 4069 of 2019(State vs. Butto alias Arshad and others) and taking cognizance against the applicants may also be quashed.

3. The case was heard on 08.02.2023 and the Court has passed the following order:-

"1. Heard learned counsel for the applicants, Sri Avanindra Kumar, learned counsel for the opposite party no. 2 and learned A.G.A. for the State.

2. The present 482 Cr.P.C. application has been filed to quash the charge sheet dated 8.4.2018 as well as the entire proceedings of Case No. 4069 of 2019 (State Vs. Bhutto alias Arshad and others), arising out of Case Crime No. 0028 of 2018, under Sections- 504, 506, 307 I.P.C. and 7 Criminal Law Amendment Act, 1932, Police Station Khuldabad, District Allahabad, pending in the court of Additional Judicial Magistrate, Court No. 7, Allahabad.

3. Submission of the learned counsel for the applicants is, no real occurrence had taken place and in any case no firearm injury was suffered by any person. The FIR came to be lodged owing to misunderstanding and misgivings between the parties.

4. Learned counsel appearing for the opposite party no. 2 does not dispute the correctness of the submissions so advanced by learned counsel for the applicant.

5. Accordingly, it is provided that the parties shall appear before the court below along with a certified copy of this order on the next date fixed and be permitted to file an application for verification of the original compromise document. It is expected that the trial court may fix a date for the verification of the compromise entered into between the parties and pass an appropriate order with respect to the verification within a period of two months from today. Upon due verification, the court below may pass appropriate order in that regard and send a report to this Court.

6. List this matter on 26.4.2023 showing the name of Sri Avanindra Kumar, as counsel for the opposite party.

7. Till then no coercive measure shall be taken against the applicants in the aforesaid case. "

4. Pursuant to order dated 08.02.2023, compromise has been verified by the trial Court vide order dated 27.02.2023 and the same has been received to this Court from Additional Chief Judicial Magistrate, Court No. 7, Allahabad on 02.03.2023.

5. Learned counsel for the applicants submitted that in light of compromise entered between the parties, criminal proceeding against the applicants may be quashed.

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

7. Learned counsel for the opposite party No. 2 has not objected the aforesaid facts and submitted that in case proceedings against the applicants is quashed, he would have no objection.

8. In view of the facts and circumstances of the case, the applicants 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.

9. 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 the aforesaid case is hereby quashed.

10. The present application is, accordingly **allowed**.

11. No order as to costs.

Order Date :- 8.12.2023

ADY