

Court No. - 69

Case :- APPLICATION U/S 482 No. - 42277 of 2022

Applicant :- Nitin Sharma

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Chandra Prakash Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Samit Gopal,J.

1. List revised. No one appears on behalf of the applicant to press this application under Section 482 Cr.P.C.
2. Heard with the assistance of Sri Virendra Pratap Singh, learned counsel for the State and perused the records.
3. The present application under Section 482 Cr.P.C. has been filed by the applicant Nitin Sharma with the prayer to allow the present application and set aside the impugned order dated 21.11.2022 passed by Additional Principal Judge, Family court, Farrukhabad in Misc. Case No. 50/12/2022 in application under Section 125 Cr.P.C., Police Station Kotwali Fatehgarh, District Farrukhabad (Smt. Neha Sharma Vs. Nitin Sharma), during the pendency of present application.
4. The matter was referred to the Mediation Centre of this Court vide order dated 28.02.2023 for making an effort between the parties for settling their disputes amicably.
5. As per the office report dated 13.10.2023, a report from the Mediation Centre of this Court is on record.
6. As per report of Mediation Centre dated 12.07.2023 the parties have entered into an interim settlement dated 13.05.2023 and have amicably settled their dispute and further agreed to withdraw the cases going on between them.
7. From perusal of the report of Mediation Centre of this Court, it appears that in pursuance of the said order the mediation proceedings were taken up which ended in a settlement dated 12.07.2023 between the parties and the Mediation succeeded. The parties have settled their grievances and even the dispute arising in the present matter. The parties have agreed to withdraw the cases

going on between them, the said fact is mentioned in para 7-e of the said mediation report.

8. The law with regards to quashing of a case on the basis of settlement arrived between the parties, is well settled. The Apex Court in the cases of **(1) B.S. Joshi and others Vs. State of Haryana and another: (2003)4 SCC 675; (2) Nikhil Merchant Vs. Central Bureau of Investigation : (2008) 9 SCC 677; (3) Manoj Sharma Vs. State and others: (2008) 16 SCC 1; (4) Gian Singh Vs. State of Punjab: (2012) 10 SCC 303; (5) Shaifullah and others Vs. State of U.P. And another: 2013 (83) ACC 278 and (6) Parbatbhai Ahir@Parbatbhai @ Bhimsinbhai Karmur and others Vs. State of Gujarat and another: (2017) 9 SCC 641** has held that the cases in which the parties have settled their grievances can be quashed.

9. From perusal of the records and the law laid down by the Apex Court on the subject matter, the present case is a good case for exercising powers by this Court to quash the proceedings as prayed for by the applicant(s).

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

11. The impugned order dated 21.11.2022 passed in the aforesaid case is hereby quashed.

12. Office is directed to communicate this order to the concerned court within two weeks from today.

Order Date :- 30.10.2023
M. ARIF

(Samit Gopal, J.)