

Court No. - 92

Case :- APPLICATION U/S 482 No. - 42911 of 2023

Applicant :- Subedar And Another

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

Counsel for Applicant :- Rishi Kant Rai, Amit Kumar Rai

Counsel for Opposite Party :- G.A., Sriprakash Rai

Hon'ble Anish Kumar Gupta, J.

1. Heard Sri Rishi Kant Rai, learned counsel for the applicants, Sri Sriprakash Rai, learned counsel for the opposite party no.2 and Sri Uday Bhan, learned A.G.A. for the State.

2. The instant application under Section 482 Cr.P.C. has been filed seeking quashing of the entire proceedings in Case No.852 of 2014 (Laldhari vs. Subedar and Others) u/S 436 I.P.C., P.S.-Karma, District- Sonbhadra, pending in the court of learned 1st Additional Civil Judge, Junior Division/Judicial Magistrate, Sonbhadra.

3. Learned counsel for the applicants submits that with respect to the same prayer, earlier, applicants have filed the *Application u/S 482 No. 33388 of 2023 (Subedar And Another vs. State of U.P. and Another)*, which was disposed of by this Court, vide order dated 12.10.2023, granting liberty to the applicants to approach this Court after verification of compromise between the parties.

4. Learned counsel for the applicants further submits that in terms of the order dated 12.10.2023, the trial court, vide order dated 27.10.2023, has verified the compromise between the parties after recording the statements of both the parties. Learned counsel for the applicants submits that the allegation against the applicants is that they have ablazed the temporary hutments of the opposite party no.2. The instant case relates to an incident dated 14/15.01.1985. Since, this was a private dispute between the parties and the parties have settled their dispute amicably and the opposite party no.2 has condoned the act of the applicants herein, without any fear and coercion on the part of the applicants, a compromise was arrived at between the parties and was placed before trial court, which has been duly verified by the trial court. Therefore, learned counsel for the applicants has prayed for quashing of the entire proceedings of the instant complaint case lodged against them on the basis of the compromise between the parties.

5. In view of thereof, since, it was a private dispute between the parties and has no larger societal impact and the compromise has been arrived at between the parties, therefore, in the light of the judgements of the Apex Court in ***Gian Singh vs. State of Punjab and Another : (2012) 10 SCC 303; Prabatbhai Aahir Alias Prabatbhai Bhimsinghbhai Karmur and others vs. State of Gujarat and Another : (2017) 9 SCC 641; Narinder Singh & Ors. vs. State of Punjab : (2014) 6 SCC 466 and B.S.Joshi and Other vs. State of Haryana and Another : (2003)4 SCC 67***, the instant application is ***allowed*** and the proceedings of the Case No.852 of 2014 (Laldhari vs. Subedar and Others) u/S 436 I.P.C., P.S.- Karma, District- Sonbhadara, pending in the court of learned 1st Additional Civil Judge, Junior Division/Judicial Magistrate, Sonbhadra, are hereby ***quashed***.

Order Date :- 7.12.2023
Shubham Arya