

Court No. - 87

Case :- APPLICATION U/S 482 No. - 43048 of 2023

Applicant :- Sandeep @ Subodh Dubey

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

Counsel for Applicant :- Ram Chandra Solanki

Counsel for Opposite Party :- G.A.

Hon'ble Neeraj Tiwari,J.

1. Sri Sanjay Yadav, Advocate has filed Vakalatnama and Short Counter Affidavit on behalf of opposite party no.2, which is taken on record.

2. Heard learned counsel for the applicant, learned AGA for the State and Sri Sanjay Yadav, learned counsel for opposite party no. 2.

3. The present application under section 482 Cr.P.C. has been filed for quashing the Non bailable warrant dated 30.9.2023, cognizance order dated 3.10.2017 as well as entire criminal proceeding of Case No. 5245 of 2017 (State Vs. Sandeep @ Subodh Dubey), arising out Case Crime No. 223 of 2012, under Sections- 363, 366 IPC, Police Station- Kotwali, District- Etawah.

4. Learned counsel for the applicant submitted that now parties have entered into compromise. He next submitted that applicant has solemnized marriage with daughter of opposite party no.2 and out of their wedlock, they have blessed two children, one is aged out 10 years and another is aged out 6 years. He next submitted that as on date, neither victim nor opposite party no.2 want to pursue the criminal proceeding any further against the applicant. This fact has also not been disputed in the short counter affidavit filed by opposite party no.2. He lastly submitted that in light of compromise, present proceeding may be quashed.

5. Sri Sanjay Yadav, learned counsel for opposite party no. 2 has not disputed the aforesaid case. He further submitted that in case this Court is pleased to quash the criminal proceeding pending against the applicants, he would have no objection.

6. In view of above, the applicants and respondent 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.

7. 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.

8. The present application is, accordingly **allowed**. No order as to costs.

Order Date :- 2.12.2023

Junaid