

Court No. - 87

Case :- APPLICATION U/S 482 No. - 43170 of 2023

Applicant :- Vinod And 4 Others

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

Counsel for Applicant :- Shiv Sharan Tripathi

Counsel for Opposite Party :- G.A.,Ashutosh Kumar Pandey

Hon'ble Neeraj Tiwari,J.

1. Heard learned counsel for the applicants, learned A.G.A. for the State and Sri Manoj Tripathi, Advocate, holding brief of Sri Ashutosh Kumar Pandey, learned counsel for the opposite party No. 2 & 3.

2. The present 482 Cr.P.C. application has been filed to quash the charge sheet No. 288 of 2011 dated 16.11.2011, summoning order dated 11.03.2012 as well as entire proceedings of Session Trial No. 58 of 2013(State Vs. Subhash alias Surya and others), arising out of Case Crime No. 429 of 2011, under Sections- 147, 323, 504, 506, 324, 307 I.P.C., Police Station- Tappal, District- Aligarh, pending in the court of Additional Session Judge, Court No. 9, Aligarh.

3. Learned counsel for the applicants submitted that earlier applicants approached this Court by filing Application U/s 482 Cr.P.C. No. 30197 of 2023, which was disposed of vide order dated 18.08.2023 with direction for getting the compromise verified. He next submitted that pursuant to order of this Court dated 18.08.2023, compromise deed dated 20.04.2023 has been verified by the trial Court vide order dated 20.09.2023 and same has been annexed as Annexure 8 to this application. He next submitted that in light of compromise entered between the parties, criminal proceeding against the applicants may be quashed.

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

5. Sri Manoj Tripathi, Advocate, holding brief of Sri Ashutosh Kumar Pandey, learned counsel for the opposite party No. 2 & 3 has not objected the aforesaid facts and submitted that in case proceedings against the applicants is quashed, he would have no objection.

6. In view of the facts and circumstances of the case, the applicants and opposite party no. 2 & 3 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**.

9. No order as to costs.

Order Date :- 8.12.2023

ADY