

Court No. - 69

Case :- APPLICATION U/S 482 No. - 43424 of 2022

Applicant :- Manish Kumar And 2 Others

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

Counsel for Applicant :- Rajeev Kumar Sharma

Counsel for Opposite Party :- G.A., Vivek Kumar
Awasthi, Yogesh Kumar Vaish

Hon'ble Samit Gopal,J.

1. List revised. No one appears on behalf of the applicants to press this application under Section 482 Cr.P.C.
2. Heard Sri Ashish Kumar Srivastava, Advocate holding brief of Sri Yogesh Kumar Vaish, learned counsel for the opposite party no.2, Sri Ajay Singh, learned A.G.A-1 for the State and perused the records.
3. The present application under Section 482 Cr.P.C. has been filed by the applicants Manish Kumar, Shivdayal and Smt. Kanchi with the prayer to allow the present application and quash the entire proceeding of Case No. 1183 of 2018 (State Vs. Manish Kumar and others) arising out of Case Crime No. 150 of 2017, under Sections 498-A, 323, 504, 506 IPC and Section 3/4 of D.P. Act, Police Station Jariya, District Hamirpur as well as charge sheet dated 04.02.2018 along with cognizance order dated 05.05.2018, pending before Judicial Magistrate, Rath, Hamirpur and with the further prayer to stay the further proceedings of aforesaid case, during the pendency of present application.
4. Learned counsel for the opposite party no.2 submits that the matter was referred to the Mediation Centre of this Court vide order dated 23.12.2022 for making an effort between the parties for settling their disputes amicably.
5. As per the office report dated 12.10.2023, a report from the Mediation Centre of this Court is on record.
6. As per report of Mediation Centre dated 05.07.2023 the parties have entered into an interim settlement dated 10.05.2023 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 05.07.2023 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 entire proceedings, charge sheet dated 04.02.2018 as well as cognizance order dated 05.05.2018 passed in the aforesaid case are 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.)