

Court No. - 87

Case :- APPLICATION U/S 482 No. - 43353 of 2023

Applicant :- Yogesh Kumar And 8 Others

Opposite Party :- State Of U.P. And Another

Counsel for Applicant :- Mahesh Chandra Tiwari, Kiran Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Neeraj Tiwari, J.

1. Heard learned counsel for the applicants and learned A.G.A. for the State.

2. The present 482 Cr.P.C. application has been filed to quash the charge sheet dated 03.09.2022, cognizance order dated 10.05.2023 as well as entire proceedings of Case No. 18977 of 2023(State Vs. Yogesh Kumar and others), arising out of Case Crime No. 532 of 2021, under Sections- 498A, 323, 504, 506 I.P.C. & 3/4 of D.P. Act, Police Station- Malpura, District- Agra, pending before learned Additional Chief Judicial Magistrate, 4th, Agra.

3. Learned counsel for the applicants submitted that earlier applicants have filed Application U/s 482 No. 35806 of 2023 for quashing of the proceeding, which was disposed of by this Court vide order dated 06.10.2023 with direction for the verification of the compromise deed dated 16.08.2023. He next submitted that in compliance of order of this Court dated 06.10.2023, compromise has been verified by the trial Court vide order dated 20.10.2023 and the certified copy of the same has also been annexed as Annexure-2 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. In view of the facts and circumstances of the case, the applicants and opposite party 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.

6. 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.

7. The present application is, accordingly **allowed**.

8. No order as to costs.

9. As the application is being allowed at the fresh stage, if there is concealment of any fact, it is open for the opposite party No. 2 to file recall application.

Order Date :- 11.12.2023

ADY