

Court No. - 89

Case :- APPLICATION U/S 482 No. - 46921 of 2018

Applicant :- Satendra Yadav And 2 Others

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

Counsel for Applicant :- Kandarp Srivastava,Kaustubh Srivastava

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

Hon'ble Deepak Verma,J.

1. Heard Sri Kaustubh Srivastava, learned counsel for the applicants, Sri Ajay Kumar Pandey, learned counsel for opposite party No.2 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 27.04.2018, cognizance order dated 08.10.2018 as well as entire proceedings in Criminal Case No.2907 of 2018 arising out of Case Crime No.535 of 2017, under Sections- 420, 467, 468, 471, 406, 120-B, 504, 506 I.P.C., Police Station-Jagdishpura, District-Agra, pending in the Court of ACJM, Court No.7, Agra.

3. Learned counsel for the applicants submitted that parties have entered into compromise. By order dated 15.03.2023, matter was referred before trial court for verification of the parties. Trial court has submitted report dated 05.04.2023, which is on record, that parties have been verified by their counsels. Since, parties have entered into compromise and opposite party No.2 does not want to continue the case against the applicants, as such, it would not be proper to keep the matter pending.

4. Sri Pandey, learned counsel for opposite party No.2 submits that earlier he has filed counter affidavit in which he has disputed the facts narrated in 482 application but after compromise, informant/opposite party No.2 does not want to press his counter affidavit and submitted that petition be allowed on terms of compromise.

5. Learned AGA could not dispute the aforesaid facts.

6. Considering the judgement of the Hon'ble Apex Court in the case of **Narindra Singh and others Vs. State of Punjab**, (2014) 6 SCC 466, **Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat** (2017) 9 SCC, 641, **Gian Singh Vs. State of Punjab** (2012) 10 SCC 303 and **State of M.P. Vs. Laxmi Narayanan** (2019) 5 SCC

688, wherein Hon'ble Apex Court has categorically held that compromise can be made between the parties even in respect of certain cognizable and non-compoundable offences. Reference may also be made to the decision given by this Court in **Shaifullah and others Vs. State of U.P. and another** [2013 (83) ACC 278], in which, law expounded by the Hon'ble Apex Court in the aforesaid cases has been explained in detail.

7. Considering the facts and circumstances of the case, as noted herein above, and also the submissions made by learned counsel for the parties, this Court is of the considered opinion that no useful purpose would be served by prolonging the proceedings of the above mentioned case.

8. Accordingly, the impugned order 08.10.2018 as well as entire proceedings in Criminal Case No.2907 of 2018 arising out of Case Crime No.535 of 2017, under Sections- 420, 467, 468, 471, 406, 120-B, 504, 506 I.P.C., Police Station-Jagdishpura, District-Agra, pending in the Court of ACJM, Court No.7, Agra, are hereby quashed.

9. This application under Section 482 Cr.P.C. is accordingly **allowed.**

Order Date :- 1.12.2023
Nitin Verma