

Court No. - 92

Case :- APPLICATION U/S 482 No. - 44827 of 2023

Applicant :- Shaikh Sarfaraj And Another

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

Counsel for Applicant :- Ajay Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta,J.

1. Heard Shri Ajay Pandey, learned counsel for the applicants, Shri Shivam Pandey, learned counsel who has filed Vakalatnama on behalf of opposite party no. 2 today and Shri Anish Kumar Upadhyay, learned A.G.A. for the State.

2. The instant application under section 482 Cr.P.C. has been filed seeking quashing of the cognizance order dated 17.2.2021 passed by the Chief Judicial Magistrate, Kaushambi and the charge sheet dated 20.7.2020 as well as the entire criminal proceedings of Criminal Case No. 2135 of 2021 (State Vs. Shaikh Sarfaraz and others) arising out of Case Crime No. 446 of 2019 under sections 386, 507 I.P.C. police station Kokhraj District kaushambi in terms of the compromise dated 18.8.2023 executed between the parties.

3. Learned counsel for the applicants submits that earlier also the applicants have filed an application u/s 482 No. 35882 of 2023 (Shaikh Sarfaraz and another Vs. State of U.P.) which was disposed of vide order dated 27.9.2023 by directing the parties to appear before the trial court for verification of the compromise. Learned counsel for the applicant submits that in terms of the aforesaid order dated 27.9.2023 the parties have submitted the compromise dated 18.8.2023 before the trial court and on appearance of the parties before the trial court the said compromise has been verified by the trial court vide order dated 16.11.2023. The certified copy of the order dated 16.11.2023 has been annexed as Annexure 6 to the instant application and the certified copy of the compromise dated 18.8.2023 has been annexed as Annexure 5 to the instant application.

4. In view of the aforesaid learned counsel for the applicants and the learned counsel for the opposite party no. 2 have prayed for quashing of the entire proceedings against the applicants herein.

5. Learned A.G.A. do not dispute the factum of the compromise entered into between the parties and do not oppose the quashing of

the entire proceedings in terms of the compromise between the parties.

6. Having heard the submissions of the learned counsel for the parties this court has carefully gone through the record of the case. The dispute between the parties is with regard to some property and construction of the house which was a private dispute between the parties which has been settled between the parties and they have executed the compromise dated 18.8.2023 which has been placed on record before the trial court in terms of the order dated 27.9.2023 passed by this court in the earlier application under section 482 Cr.P.C. filed by the applicant herein and the said compromise has been duly verified by the trial court vide order 16.11.2023.

7. Therefore, in view of the compromise between the parties, no fruitful purpose will be served by keeping the criminal proceedings pending in the instant application. They do not support the prosecution and this will ultimately result in the acquittal of the applicants and since the compromise has taken place between the parties, if the proceedings are quashed between the parties then the peace will prevail over in the society. Therefore, in the considered opinion of this Court in the light of the judgements of Apex Court in *Gian Singh Vs. State of Punjab and Another : (2012) 10 SCC 303*, *B.S. Joshi and other Vs. State of Haryana and Another : (2003) 4 SCC 675* and *Narinder Singh and others Vs. State of Punjab : (2014) 6 SCC 466*, it is appropriate to quash the instant proceedings against the applicants herein.

8. In view thereof, the instant application is **allowed** in terms of the compromise between the parties and proceedings of Criminal Case No. 2135 of 2021 (State Vs. Shaikh Sarfaraz and others) arising out of Case Crime No. 446 of 2019 under sections 386, 507 I.P.C. police station Kokhraj District kaushamb, cognizance order dated 17.2.2021 and the charge sheet dated 20.7.2020 are hereby quashed.

Order Date :- 15.12.2023

o.k.