

Court No. - 86

Case :- APPLICATION U/S 482 No. - 44568 of 2023

Applicant :- Parvez Alam And 4 Others

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

Counsel for Applicant :- Mohd. Shoeb Khan

Counsel for Opposite Party :- G.A.

Hon'ble Rajiv Gupta,J.

1. Heard learned counsel for the applicants, Sri Deepak Kumar Kol, learned counsel for the opposite party No. 2, learned AGA for the State and perused the record.

2. This application under Section 482 Cr.P.C. has been filed with a prayer to quash the charge sheet dated 13.9.2016 and supplementary charge sheet dated 22.3.2017 as well as entire proceedings of Case No. 3940 of 2016 (State Vs. Parvez and others) arising out of Case Crime No. 750 of 2016, under Sections 147, 323, 504, 506, 427, 352, 382, 411 IPC, P.S.- Kotwali Padrauna, District- Kushinagar, pending in the court of Chief Judicial Magistrate, Kushinagar.

3. Learned counsel for the applicants has submitted that on account of management dispute in respect of madarsa between the parties, the instant criminal case was instituted against the applicants, however with the intervention of the respected members of both the family and society, the parties have amicably and genuinely settled all their disputes and differences and now they do not have any grievance against each other.

4. Learned counsel for the applicants has next drawn the attention of the Court to a settlement-agreement dated 28.8.2023 drawn between the parties, a copy of which has been annexed as Annexue No. 5 to this application.

5. Leaned counsel for the applicants has further submitted that pursuant to the said compromise, the applicants had approached this Court by filing an Application u/s 482 No. 38250 of 2023 and this Court had directed the parties to appear before the court below and get the said compromise verified vide order 27.10.2023. Pursuant to the said order, parties appeared before the court below and in presence of both the parties, the said compromise has been verified and verification report/order dated 7.11.2023 has been passed, a copy of which has been annexed as Annexure No. 6 to this application.

6. Learned counsel for the applicants has next submitted that in view of the said compromise, which has already been verified and in order to maintain harmonious and cordial relations between them, entire proceedings be quashed against the applicants.

7. Learned AGA could not dispute the aforesaid facts.

8. This Court is not unmindful of the judgements of 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. Narindra Singh and others Vs. State of Punjab (2014) 6 SCC 466.

Wherein the 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 the law expounded by the Apex court in the aforesaid cases has been explained in detail.

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

10 Accordingly, the entire proceedings of Case No. 3940 of 2016 (State Vs. Parvez and others) arising out of Case Crime No. 750 of 2016, under Sections 147, 323, 504, 506, 427, 352, 382, 411 IPC, P.S.- Kotwali Padrauna, District- Kushinagar, pending in the court of Chief Judicial Magistrate, Kushinagar, are hereby quashed.

11. This application under Section 482 CrPC is accordingly allowed.

Order Date :- 14.12.2023/KU