

Court No. - 93

Case :- APPLICATION U/S 482 No. - 45232 of 2023

Applicant :- Mohd. Tabrez Alam

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

Counsel for Applicant :- Jaideep Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Manoj Bajaj,J.

Applicant-Mohd. Tabrez Alam has approached this Court through this application under Section 482 Code of Criminal Procedure seeking for quashing the charge sheet no.24 of 2023, dated 21.01.2023 filed in Case No.4157 of 2023, titled State Vs. Mohd. Tabrez Alam, arising out of Case Crime No.124 of 2021, under Sections 379 and 420 I.P.C. and Section 66 D.I.T.Act, Police Station Nakhasa, District Sambhal and the cognizance/ summoning order dated 23.06.2023 as well as the proceedings arising therefrom on the basis of settlement between the parties.

Learned counsel for the applicant, *inter-alia*, submits that during the pendency of the case, the parties have amicably settled the dispute and the accused has agreed to pay a sum of Rs.1.80 lacs to the complainant and out of it a sum of Rs.90,000/- has already been paid. He submits that an application dated 04.10.2023 in this regard has already been filed before the court of Chief Judicial Magistrate, Chandausi, District Sambhal along with the copy of the settlement deed (both Annexure No.4). He prays that the impugned proceedings be quashed in the interest of justice, as the continuation of the trial would serve no useful purpose.

Upon hearing learned counsel for the applicant and considering his submissions, this Court finds that an application has already been moved in the court of Chief Judicial Magistrate, Chandausi, District Sambhal for dropping the proceedings, which is

pending, therefore, this Court is not inclined to exercise the inherent powers under Section 482 CR.P.C. However, it is directed that the trial court shall adjudicate the claim of the applicant in the pending application expeditiously, after verifying the stand of the complainant.

With these observations, the application is disposed of.

Order Date :- 12.12.2023

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