

Court No. - 87

Case :- APPLICATION U/S 482 No. - 44994 of 2023

Applicant :- Somendra Nath Tiwari

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

Counsel for Applicant :- Sanjay Pratap Singh

Counsel for Opposite Party :- G.A.

Hon'ble Neeraj Tiwari, J.

1. Sri Deepak Singh, Advocate, put in appearance on behalf of opposite party No. 2 has filed short counter affidavit alongwith vakalatnama, which is taken on record.

2. Heard learned counsel for the applicant, learned A.G.A. for the State and Sri Deepak Singh, learned counsel for the opposite party No. 2.

3. The present 482 Cr.P.C. application has been filed to quash the charge sheet No. 38 of 2023 dated 17.02.2023 as well as entire proceedings of Case No. 114074 of 2022(State Vs. Somendra Nath Tiwari), arising out of Case Crime No. 743 of 2022, under Sections- 419, 420, 386, 177 I.P.C., Police Station- Barra, District- Kanpur Nagar, pending in the court of learned Chief Metropolitan Magistrate, Kanpur Nagar, on the basis of compromise dated 07.11.2023.

4. Learned counsel for the applicant submitted that present case is arising out of dispute between father and son. He next submitted that opposite party No. 2 is the father of the applicant and good sense prevailed and ultimately parties entered into compromise on 07.11.2023. He next submitted that said compromise has also been filed before the trial Court. He next submitted that fact of compromise has also not been disputed in the counter affidavit filed by opposite party No. 2. He next submitted that in the counter affidavit, opposite party No. 2 has stated that he does not want to press the present criminal proceeding against the applicant. He next submitted that in light of compromise entered between the parties, criminal proceeding against the applicant may be quashed.

5. Learned A.G.A. could not dispute the aforesaid facts.

6. Learned counsel for the opposite party No. 2 has filed short

counter affidavit, in which he has supported the case of the applicant and submitted that in case proceedings against the applicant is quashed, he would have no objection.

7. In view of the facts and circumstances of the case, the applicant 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.

8. 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.

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

10. No order as to costs.

Order Date :- 11.12.2023

ADY