Court No. - 11

Case :- APPLICATION U/S 482 No. - 245 of 2023

Applicant :- Vivek Mishra
Opposite Party :- State Of U.P. Thru. Prin. Secy. Deptt. Of Home And Another
Counsel for Applicant :- Alok Kumar Tripathi
Counsel for Opposite Party :- G.A.,Praveen Kumar Tripathi,Ram Prakash Tripathi

Hon'ble Saurabh Lavania,J.

1. Heard learned counsel for the applicants, learned AGA for the State and perused the record.

2. Instant application under Section 482 Cr.P.C. has been filed for following main reliefs:

> *"To quash the impugned summoning order dated 17.03.2021 passed by learned Additional Chief Judicial Magistrate Kunda, Pratapgarh (contained in Annexure no. 2 to this application) as well as Charge Sheet No. 63/2021 dated 20.02.2021 (contained in Annexure no.1 to this application) so far it relates to the applicants, and also to quash the entire proceedings of Criminal Case No. 489/2021, "State Versus Vivek Mishra and others" pending in the court of Additional Chief Judicial Magistrate Kunda, Pratapgarh."*

3. It is stated that vide order dated 12.01.2023, the matter was sent to Mediation & Conciliation Center of this Court and the parties have settled the dispute before the Mediation & Conciliation Center, which essentially is matrimonial dispute, and as per the report of the Mediation and Conciliation Centre of this Court alongwith Settlement Agreement dated 29.08.2023, which is on record as 'Annexure- D', where from it is apparent that the parties were present before the Mediation and Conciliation Centre and they have settled the dispute and have entered into an agreement voluntarily and their signatures have been verified by their respective counsels, the prayer sought in the present application be acceded.

4. With regard to the prayer sought including quashing of criminal proceedings on the basis of compromise, the learned counsel for the applicant has placed reliance on the judgments of the Apex Court in the case of **Romgopal and others Vs. State of Madhya Pradesh, 2022 (1) SCJ 536, Gian Singh Vs. State of Punjab [2012 10 SCC 303], Mohd. Ibrahim Vs. State of U.P., 2022 SCC Online ALL 106, Gold Quest International Ltd. Vs. State of Tamilnadu, 2014 (15) SCC 235, B.S. Joshi Vs. State of Haryana, 2003 (4) SCC 675,**

Jitendra Raghuvanshi Vs. Babita Raghuvanshi, 2013(4) SCC 58, Madhavarao Jiwajirao Scindia Vs. Sambhajirao Chandrojirao Angre, 1988 1 SCC 692, Nikhil Merchant Vs. C.B.I. and another, 2008(9) SCC 677, Manoj Sharma Vs. State and others, 2008(16) SCC 1, State of M.P. Vs. Laxmi Narayan and others, 2019(5) SCC 688, Narindra Singh and others Vs. State of Punjab and another, (2014) 6 SCC 466, Manoj Kumar and others Vs. State of U.P and others (2008) 8 SCC 781, Union Carbide Corporation and others Vs. Union of India and others (1991) 4 SCC 584, Manohar Lal Sharma Vs. Principal Secretary and others (2014) 2 SCC 532 and Supreme Court Bar Association Vs. Union of India (1998) 4 SCC 409.

5. Learned Additional Government Advocate could not dispute the fact that the compromise has been entered into between the parties and now the opposite party no. 2 do not want to proceed further in the matter which includes the the impugned summoning order dated 17.03.2021 passed by learned Additional Chief Judicial Magistrate Kunda, Pratapgarh as well as Charge Sheet No. 63/2021 dated 20.02.2021, and also entire proceedings of Criminal Case No. 489/2021 (State Versus Vivek Mishra and others) pending in the court of Additional Chief Judicial Magistrate Kunda, Pratapgarh so far it relates to the applicant.

6. Considering the submissions advanced by learned counsel for the parties and perusing the report dated 29.08.2023 submitted by Mediation and Conciliation Centre of this Court and Settlement Agreement dated 29.08.2023 as also taking note of the observations made by Hon'ble Apex Court in the judgments referred above, this Court is of the view that no purpose would be served in keeping the proceedings pending before the trial court and hence, the impugned summoning order dated 17.03.2021 passed by learned Additional Chief Judicial Magistrate Kunda, Pratapgarh (contained in Annexure no.2 to this application) as well as Charge Sheet No. 63/2021 dated 20.02.2021 (contained in Annexure no.1 to this application) as also the entire proceedings of Criminal Case No. 489/2021 (State Versus Vivek Mishra and others) pending in the court of Additional Chief Judicial Magistrate Kunda, Pratapgarh are hereby quashed in terms of the compromise so far it relates to the applicant.

7. Accordingly, the present application U/S 482 Cr.P.C. is **allowed**.

8. Office/Registry is directed to send the copy of this order to concerned court forthwith.

Order Date :- 7.12.2023
Mohit Singh

Digitally signed by :-
MOHIT SINGH
High Court of Judicature at Allahabad,
Lucknow Bench