

Court No. - 11

Case :- APPLICATION U/S 482 No. - 8347 of 2019

Applicant :- Soni Parveen And Ors.

Opposite Party :- State Of U.P. Thru. The Prin. Secy. Home Deptt. And Anr.

Counsel for Applicant :- Mohd. Muballi Gussalam, Syed Mohammad Abid

Counsel for Opposite Party :- G.A., Arjun Singh Somvanshi

Hon'ble Saurabh Lavania, J.

(I.A. No. 3 of 2022, Application for impleadment)

1. This is an application for impleadment.
2. Heard.
3. The reasons indicated in the affidavit filed in support of the application are sufficient. Accordingly, the application is allowed and the learned counsel for the applicant is permitted to implead Shahnawaj as applicant no. 6.
4. Let necessary impleadment be carried out during the course of the day.

(Order on Application U/s 482)

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 allow this petition under section 482 Cr.P.C. and may kindly be quashed impugned summoning order dated 23.10.2019 passed by the learned Incharge Additional Chief Judicial Magistrate, Court No.5, Hardoi, in Case No. 7940/2019 contained as Annexure No.1 to this petition and including entire criminal proceedings of Case No. 7940/2019 pending in the court of Learned Additional Chief Judicial Magistrate, Court No. 5, Hardoi, including chargesheet No. 01 dated 11.07.2019 contained as Annexure No.2 to this petition relating to Case Crime No. 085/2018 may kindly be quashed, as pending in the Court of Additional Chief Judicial Magistrate, Court No.5, Hardoi."

3. It is stated that after considering the order dated 26.11.2019 as also the order dated 10.01.2020, whereby the matter was sent to Mediation

& Conciliation Center of this Court and the applicant no.6-Shahnawaz and opposite party no. 2 (wife of the applicant no.6) were directed to appear before Mediation & Conciliation Center of this Court on 21.01.2020 as also that parties have settled the dispute before the Mediation & Conciliation Center and also the nature of dispute which essentially is matrimonial dispute and as per the report of the Mediation and Conciliation Centre of this Court alongwith Settlement Agreement dated 21.12.2022, which is on record as 'Annexure- E', where from it is apparent that the parties were present before the Mediatin 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 before the court, 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 applicants 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 parties do not want to proceed further in the matter which includes the criminal Case No. 7940/2019 pending in the court of Learned Additional Chief Judicial Magistrate, Court No. 5, Hardoi, in which chargesheet No. 01 dated 11.07.2019 contained as Annexure No.2 to this petition relating to Case Crime No. 085/2018 was filed.

6. Considering the submissions advanced by learned counsel for the parties and perusing the report dated 21.12.2022 submitted by Mediation and Conciliation Centre of this Court and Settlement Agreement dated 21.12.2022 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, summoning order dated 23.10.2019 passed by the learned Incharge Additional Chief Judicial Magistrate, Court No.5, Hardoi, in Case No. 7940/2019 contained as Annexure No.1 to this petition and the entire criminal proceedings of Case No. 7940/2019 pending in the court of Learned Additional Chief Judicial Magistrate, Court No. 5, Hardoi, including chargesheet No. 01 dated 11.07.2019 contained as Annexure No.2 to this petition relating to Case Crime No. 085/2018 as pending in the Court of Additional Chief Judicial Magistrate, Court No.5, Hardoi are hereby quashed in terms of the compromise.

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 :- 30.11.2023/Mohit Singh