

Court No. - 21

Case :- APPLICATION U/S 482 No. - 778 of 2021

Applicant :- Mohd. Arif And Others

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

Counsel for Applicant :- Anuradha Singh

Counsel for Opposite Party :- G.A., Rakesh Kumar Mishra

Hon'ble Neeraj Tiwari, J.

1. Ms. Rimjhim Singh, Advocate has filed vakalatnama on behalf of opposite party No. 2 and learned counsel for the applicants has filed supplementary affidavit, which are taken on record.

2. Heard learned counsel for the applicants, Dr. Sushil Kumar Pandey, learned A.G.A. for the State and Ms. Rimjhim 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. 01 dated 29.10.2019, summoning order dated 11.02.2020 as well as entire proceedings of Case No. 2297 of 2020(State Vs. Mohd. Arif and others), arising out of Case Crime No. 0067 of 2019, under Sections- 498A, 323, 504, 506 I.P.C. and 3/4 D.P.Act, Police Station- Mahila Thana, District- Bahraich, pending in the court of learned Judicial Magistrate, Bahraich.

4. Learned counsel for the applicants submitted that now parties have entered into compromise and decided to live separately. She next submitted that a joint compromise deed dated 07.10.2023 in this regard has also been filed before the trial Court and the same has also been annexed alongwith the supplementary affidavit filed today. She next submitted that on the basis of the said compromise, Additional Principal Judge-Ist, Family Court, Bahraich has quashed the proceeding of one other case bearing Case No. 278/11/2020(Smt. Neha Parveen and others Vs. Mohd. Arif) pending between the same parties vide order dated 26.06.2023. She next submitted in light of the compromise entered between the parties, present criminal proceeding against the applicants may also be quashed.

5. Ms. Rimjhim Singh, learned counsel for the opposite party No. 2 has has not objected the aforesaid facts and submitted that in case proceedings against the applicants is quashed, she would have no objection.

6. In view of the facts and circumstances of the case, the applicants 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.

7. 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.

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

9. No order as to costs.

Order Date :- 26.10.2023

ADY