

A.F.R.

Court No. - 11

Case :- APPLICATION U/S 482 No. - 5525 of 2023

Applicant :- Khursheed And Another

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt.
Lko . And Anothers

Counsel for Applicant :- Girish Chandra Sinha

Counsel for Opposite Party :- G.A.,Avinash Singh
Vishen,Avinash Singh Vishen (Amicus Curiae),Rudra Mani
Shukla

AND

Case :- APPLICATION U/S 482 No. - 12429 of 2023

Applicant :- Arvind Singh Bhadauria

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt.
Lko. And Another

Counsel for Applicant :- Anurag Kumar Singh,Pushpendr
Kumar Singh

Counsel for Opposite Party :- G.A.

AND

Case :- APPLICATION U/S 482 No. - 12443 of 2023

Applicant :- Karamveer Tripathi And 2 Others

Opposite Party :- State Of U.P Thru. Prin. Secy. Home Deptt.
Lko. And Another

Counsel for Applicant :- Salil Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

1. Heard Shri G.C. Sinha, Advocate and Shri Avinash Singh Vishen, Advocate (Amicus Curiae), who appeared in the APPLICATION U/S 482 No. - 5525 of 2023, Shri Anurag Kumar Singh along with Shri Pushpendra Kumar Singh, learned counsel for the applicants in APPLICATION U/S 482 No. - 12429 of 2023 and Shri Salil Kumar Srivastava, Advocate, counsel for the applicant in APPLICATION U/S 482 No. - 12443 of 2023.

2. In all the applications noted below, the question is as to "Whether charge-sheet and/or criminal proceedings based upon the compromise, can be quashed in part." In other words "Whether the charge-sheet and/or criminal proceedings based upon the compromise can be quashed qua the accused-applicant." As such, all the petitions are being clubbed together and are being decided by this common order.

3.1 In APPLICATION U/S 482 No.- 5525 of 2023, the following main relief(s) has been sought:-

"For the facts & circumstances enumerated in the accompanying affidavit it is humbly prayed that the order of taking cognizance and the summoning order dated 20-07-2019 passed by the Special Judge, SC/ST Act at court no. 2, District Sultanpur in Sessions Trial No. 362 of 2019 in reference to case crime no. 256 of 2017, P.S.-Kamrauli, District Amethi under section 147, 279, 337, 233, 504, 506 & 452 IPC read with section 3(1)(D) & 3(2) V(A) of SC/ST Act as well as the entire proceeding drawn by the police including the charge sheet submitted by the police in criminal case no. 256 of 2017, may kindly be quashed and any other appropriate order which the Hon'ble Court may deem fit & proper in the circumstances of the case may also be passed for the end of justice."

3.2 In APPLICATION U/S 482 No.- 5525 of 2023, this Court on 30.05.2023 after considering the issue involved passed the following order:

"Sri Rudra Mani Shukla, Advocate has put in appearance by way of filing Vakaltanama on behalf of opposite party no. 2 and the same is taken on record.

Office is directed to print the name of Sri Rudra Mani Shukla, Advocate as counsel for the opposite party no.2 when the case is listed next.

Learned counsel appearing for the applicants shall apprise the court that as to whether on the basis of compromise entered into between the two accused persons and the opposite parties, apart from the fact that there are five accused persons, the part trial can be quashed.

List/put up this matter in the first week of June, 2023 as fresh."

3.4 After the aforesaid order, this Court passed the order dated 07.08.2023 whereby Shri Avinash Singh Vishen, Advocate was appointed Amicus Curiae to assist the Court on the issue aforesaid. The order dated 07.08.2023 reads as under:-

"Counter affidavit filed today by opposite party no.2, is taken on record.

This Court invites Shri Avinash Singh Bisen, Advocate to assist this Court and he is hereby appointed as amicus curiae. He will be paid fee as per the norms of legal aid services authorities.

List/put up this matter on 24.08.2023 at 3.30 PM.

The counsel for the appellant shall also provide a copy of the record to the amicus curiae in between."

3.5 It would be apt to indicate that the applicants earlier approached this Court by means of APPLICATION U/S 482 No.- 8536 of 2019 and the same was disposed of on 25.04.2023 by this Court for the purpose of verification of compromise by the trial court and in terms of the order of this Court dated 25.04.2023, the trial court verified the compromise on 03.05.2023 and the present application has been filed seeking relief(s) quoted above based upon the compromise dated 03.05.2023 duly verified by the trial court on 03.05.2023.

4.1 In the APPLICATION U/S 482 No. - 12443 of 2023, (Karamveer Tripathi and others vs. State of U.P. and Another), the following main relief has been sought:-

"Wherefore, it is most respectfully prayed that this Hon'ble Court may kindly be pleased to quash the proceedings of Criminal Case No.95018 of 2019; State Versus Karamveer Tripathi and others, arising out of Case Crime No.71 of 2018, under sections- 323, 504 I.P.C., relating to Police Station-Mahanagar, District- Lucknow, pending in the Court of learned Special Additional Chief Judicial Magistrate, (C.B.I./Ayodhya Prakaran), Lucknow, as well as impugned chargesheet dated 23.8.2019, submitted against the petitioners by the Investigating Officer in aforesaid case crime number, and impugned cognizance and summoning order dated 22.10.2019, passed by the learned Special Additional Chief Judicial Magistrate, (C.B.I./Ayodhya Prakaran), Lucknow, as contained in Annexure nos.1 and 2 respectively to the instant petition, in the light of compromise, attained between the parties, in the interest of law and justice."

4.2 It would be apt to indicate that earlier the applicants approached this Court by means of APPLICATION U/S 482 No.- 9837 of 2022, (Karamveer Tripathi And Others vs. State of U.P. And Others), and the said petition was disposed of vide

order dated 23.12.2022 with direction to the concerned court to verify the compromise dated 28.11.2022 and liberty was also granted to the applicants to approach this Court for quashing of the proceedings and in terms of the order of this Court dated 23.12.2022, the trial court verified the compromise dated 28.11.2022 on 18.03.2023 as appears from the order passed by the trial court on 18.03.2023, which is annexed as Annexure No.6 to the application and the present application has been filed for the relief(s) sought, quoted above, on the basis of the compromise dated 28.11.2022 duly verified by the trial court on 18.03.2023.

5.1 In the APPLICATION U/S 482 No. - 12429 of 2023, (Arvind Singh Bhadauria vs. State of U.P.), the following main relief has been sought:-

"Wherefore, it is most respectfully prayed that this Hon'ble Court may kindly be pleased to quash the proceedings of Criminal Case No. 10694 of 2020; State Versus Surya Lal Yadav and others, arising out of Case Crime No.62 of 2018, under sections- 341, 323, 506 I.P.C., relating to Police Station-Mahanagar, District- Lucknow, pending in the Court of learned Special Additional Chief Judicial Magistrate, (C.B.I./Ayodhya Prakaran), Lucknow, as well as impugned chargesheet dated 15.8.2019, submitted against the petitioner by the Investigating Officer in aforesaid case crime number, and impugned cognizance and summoning order dated 18.1.2020, passed by the learned Special Additional Chief Judicial Magistrate, (C.B.I./Ayodhya Prakaran), Lucknow, so far as the same relate to the petitioner-Arvind Singh Bhadauria, as contained in Annexure nos.1 and 2 respectively to the instant petition, in the light of compromise, attained between the parties, in the interest of law and justice."

5.2 It would be apt to indicate that the applicant earlier approached this Court by means of APPLICATION U/S 482 No.- 9798 of 2022 and the same was disposed of on 23.12.2022 by this Court and a perusal of the order dated 23.12.2022 passed by this Court indicates that the application was disposed of for the purpose of verification of compromise by the trial court and in terms of the order of this Court dated 23.12.2022, the trial court verified the compromise dated 28.11.2022 on 18.03.2023 and the present application has been filed seeking

relief, quoted above, based upon the compromise dated 03.05.2023 duly verified by the trial court on 03.05.2023.

6. Admittedly in the application under consideration, all the accused have not entered into the compromise and all the applications have been filed for quashing of charge-sheet and/or criminal proceedings qua the applicants based upon the compromise.

7.1 Before considering the issue involved in this case, it would be apt to indicate that the issue regarding quashing of criminal proceedings in exercise of power under Section 482 CrPC has already been settled by the Hon'ble Apex Court in the following judgment.

7.2 A three judge Bench of the Apex Court in the case of **GIAN SINGH V. STATE OF PUNJAB (2012) 10 SCC 303**, observes the plenitude of power of this Court for its exercise under Section 482 of the Cr.P.C. and holds that cases can be closed on account of settlement barring heinous offences, the Apex Court has held as follows:-

"61. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint to exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz.: (i) to secure the ends of, or (ii) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be where the and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed.

However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc., cannot

provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominating civil stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc, or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding."

(Emphasis supplied)

7.3 A three Judge Bench of the Apex Court again in **PARBATBHAI AAHIR V. STATE OF GUJARAT (2017) 9 SCC 641** has held as follows:-

"16. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:

16.1. Section 482 preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court.

16.2. The invocation of the jurisdiction of the High Court to quash a first information report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.

16.3. In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power.

16.4. While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised (i) to secure the ends of justice, or (ii) to prevent an abuse of the process of any court.

16.5. The decision as to whether a complaint or first information report

should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated.

16.6. In the exercise of the power under Section 482 while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences.

16.7 As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned.

16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute.

16.9. In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and 16.10. There is yet an exception to the principle set out in propositions 16.8. and 16.9. above. Economic offences involving the financial and economic well-being of the State have implications which lie beyond the domain of a mere dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance."

(Emphasis supplied)

7.4 The Hon'ble Apex Court after considering the various pronouncements including the judgments passed in the cases of **Gian Singh vs. State of Punjab [2012, 10 SCC 303]**, **Narindra Singh and others vs. State of Punjab, (2014) 6 SCC 466**, **Parbatbhai Aahir vs. State of Gujarat, (2017) 9 SCC 641** and **State of Madhya Pradesh vs. Laxmi Narayan, 2017 SCC OnLine SC 1799** in the case of **State of Madhya Pradesh vs. Laxmi Narayan, (2019) 5 SCC 688** observed as under:-

"15. Considering the law on the point and the other decisions of this Court on the point, referred to hereinabove, it is observed and held as under:

15.1. That the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and

predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves:

15.2. Such power is not to be exercised in those prosecutions which involved heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society;

15.3. Similarly, such power is not to be exercised for the offences under the special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that Capacity are not to be quashed merely on the basis of compromise between the victim and the offender.

15.4. Offences under Section 307 IPC and the Arms Act, etc. would fall in the category of heinous and serious offences and therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under Section 307 IPC and/or the Arms Act, etc. which have a serious impact on the society cannot be quashed in exercise of powers under Section 482 of the Code, off the ground that the parties have resolved their entire dispute amongst themselves. However, the High Court would not rest, its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to framing the charge under Section 307 IPC. For this purpose it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delicate parts of the body, nature of weapons used, etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge-sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paras 29.6 and 29.7 of the decision of this Court in Narinder Singh should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;

15.5. While exercising the power under Section 482 of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impact on society, on the ground that there is a settlement/compromise between the victim and the offender the High Court is required to consider the antecedents of the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter compromise, etc.

7.5 A two Judge Bench of the Apex Court again in *Ramgopal vs. State of M.P. (2022) 14 SCC 531* has held as follows:-

"19. ... Nonetheless, we reiterate that such powers of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind:

19.1. Nature and effect of the offence on the conscience of society; 19.2.

Seriousness of the injury, if any;

*19.3. Voluntary nature of compromise between the accused and the victim;
and*

*19.4. Conduct of the accused persons, prior to and after the occurrence of
the purported offence and/or other relevant considerations."*

8. In nutshell, the High Court in exercise of power under Section 482 CrPC can quash the charge-sheet and/or criminal proceeding even if the offence is non-compoundable under Section 320 of the CrPC and the said power can be exercised by the High Court in the light of the observations made in the judgments referred above which includes quashing of criminal proceeding on the basis of compromise.

9. Reverting to the issues involved in these applications, Shri Anurag Kumar Singh, Advocate and Shri Avinash Singh Visen, Advocate (Amicus Curiae) stated that there is no bar in quashing the charge-sheet and/or criminal proceeding in part or qua the accused-applicant. It is also stated that trial Court is empowered to discharge one or some accused, if case is not made out, and can try other co-accused and in the relevant provisions of CrPC viz. Sections 227, 239 and 245 in regard to the same there is no bar. It is also stated that a perusal of various pronouncements would show that the Court can quash the F.I.R., the basis of criminal proceedings including the charge-sheet, charge-sheet and criminal proceedings qua the accused-applicant. To substantiate the submissions, reliance has been placed on the following judgments:-

(i) **Chandra Bhal vs. State of U.P.** reported in (1971) 3 SCC 983.

(ii) **Madhavrao Jiwajirao Scindia and Others vs. Sambhajirao Chandrojirao Angre and Others** reported in 1998 1 SCC 692.

(iii) **Rajbir Singh vs. State and Another** passed in Crl.M.C. No.880/2007.

(iv) **Sanjay Kriplani vs. State of NCT of Delhi and Others** passed in CRL.M.C. 1981/2013.

(v) **Geeta Mehrotra and another vs. State of U.P.** reported in (2012) 10 SCC 741.

(vi) **Lovely Salhotra and Another vs. State (NCT of Delhi) And Another** reported in 2018 12 SCC 391.

(vii) **Poonam Khanna vs. State and Others** reported in 2018 SCC OnLine Del 6918.

(viii) **Sunil Tomar vs. The State of NCT of Delhi and Another** passed in CRL.M.C.1741/2021.

(ix) **Mrs. Ridhi Kumar vs. The State (Govt. of NCT of Delhi) And Another** passed in the W.P. (CRL) 1399/2021.

(x) **Karan Sharma vs. The State of NCT of Delhi and Another** passed in the CRL. M.C.2987/2022&CRL.M.A. 12562/2022.

(xi) **Ramawatar vs. State of Madhya Pradesh** reported in 2022 13 SCC 635.

(xii) **Kapil Gupta vs. State of N.C.T. of Delhi and Another** reported in 2022 SCC OnLine SC 1030.

(xiii) **Ganganpal Singh Ahuja and Others vs. State of U.P.** reported in 2023 AHC 118620.

(xiv) **Haji Iqbal @ Bala vs. State of U.P., Criminal Appeal No. 2343 of 2023** decided on 08.08.2023.

9.1 The case of **Chandra Bhal (supra)** has been relied upon to show that separate trial is permissible.

9.2 In **Madhavrao Jiwajirao Scindia (supra)**, the Hon'ble Apex Court quashed the FIR qua the petitioner based upon the compromise. As per the observations made by the Hon'ble Apex Court, the High Court while exercising the power of quashing under Section 482 CrPC, is required to consider as to whether it is expedient and in the justice to permit the prosecution to continue and whether the chances of conviction are bleak and no useful purpose is likely to be served.

9.3 In the case of **Rajbir Singh (supra)**, the Delhi High Court based upon the compromise quashed the FIR qua the applicant.

9.4 In the case of **Sanjay Kriplani (supra)**, the Delhi High Court quashed the FIR qua the petitioner in exercise of power

under Section 482 CrPC after considering the judgment passed in the case of **Rajbir Singh (supra)**.

9.5 In **Geeta Mehrotra (supra)**, the FIR was lodged by the wife under Section 498-A, 323, 504 and 506 IPC and 3/4 Dowry Prohibition Act, 1961 against the husband, father-in-law, mother-in-law, brother-in-law and sister-in-law and the sister-in-law and brother-in-law of complainant, after dismissal of writ petition, approached the Hon'ble Apex Court and after considering the facts and circumstances of the case, the Hon'ble Apex Court quashed the proceedings qua the appellants (sister-in-law and brother-in-law). Thus, the criminal proceedings were quashed by the Hon'ble Apex Court in part.

9.6 In the case of **Lovely Salhotra (supra)**, the Hon'ble Apex Court specifically observed that " The High Court was wrong in holding that the FIR cannot be quashed in part." In this case, the Hon'ble Apex Court quashed the FIR qua the appellants.

9.7 In the case of **Ms. Poonam Khanna (supra)**, the Delhi High Court after considering the various pronouncements quashed the FIR qua the petitioner in exercise of power under Section 482 CrPC.

9.8 In the case of **Sunil Tomar (supra)**, the Delhi High Court after considering the judgment of the Hon'ble Apex Court in the case of **Madhavrao Jiwajirao Scindia (supra)** quashed the FIR qua the applicant in exercise of power under Section 482 CrPC.

9.9 In the case of **Mrs. Ridhi Kumar (supra)**, the Delhi High Court after taking note of **Lovely Salhotra (supra)** and **Sunil Tomar (supra)** quashed the FIR qua the petitioner in exercise of power under Section 482 CrPC.

9.10 In the case of **Karan Sharma (supra)**, the Delhi High Court after considering the judgment passed in the case of **Kapil Gupta (supra)** quashed the FIR and all the criminal proceedings emanating therefrom qua the petitioner based upon the compromise.

9.11 In the case of **Ramawatar (supra)**, Hon'ble Apex Court quashed the proceedings arising out of FIR No.18 of 1994 at Police Station-O.E. Panna under Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities Act), 1989 (in short "the SC/ST Act") read with Section 34 of the Penal Code, 1860 (in short "IPC") which were pending against Ramawatar (appellant before the Hon'ble Apex Court) and as per the observations of the Hon'ble Apex Court in this judgment, the High Court can quash the criminal proceedings based upon the compromise even with regard to non-compoundable offence.

9.12 In the case of **Kapil Gupta (supra)**, the Hon'ble Apex Court considering the compromise arrived between the parties quashed the two FIRs lodged against the appellant before the Hon'ble Apex Court.

9.13 In the case of **Haji Iqbal (supra)**, the Hon'ble Apex Court quashed the FIR No. 195 of 2022 registered under Sections 376-D and 506 IPC and the consequential criminal proceedings qua the accused-appellant.

10. From the reports referred above it is apparent that an FIR/charge-sheet/criminal proceedings can be quashed in part. In other words, "the FIR/charge-sheet/criminal proceedings can be quashed qua the accused-applicant in exercise of power under Section 482 CrPC. However, this power can be exercised if the case of the said accused-applicant falls within the

proposition settled by the Hon'ble Apex Court in the judgments referred above. Questions framed above are answered accordingly.

11. Now, coming to the facts of the case. In the APPLICATION U/S 482 No. 12429 of 2023 (Arvind Singh Bhadauria Vs. State of U.P. Thru. Prin. Secy. Home Deptt. Lko. And Another) and APPLICATION U/S 482 No. 12443 of 2023 (Karamveer Tripathi and 2 Others Vs. State of U.P. Thru. Prin. Secy. Home Deptt. Lko. And Another), indisputably, the offences are compoundable and in these cases both the sides lodged cross FIRs i.e. FIR No. 0062 dated 02.02.2018 lodged by Akhilesh Tripathi (Applicant No. 3 in Application U/S 482 No. 12443 of 2023) and FIR No. 0071 dated 08.02.2018 lodged by Arvind Singh Bhadauria (Applicant in Application U/S 482 No. 12443 of 2023) and now, the parties to these applications which include informant(s) namely Akhilesh Tripathi and Arvind Singh Bhadaurai have settled the dispute and to the same effect, a compromise was entered into and the same has been verified by the trial court on 18.03.2023 in terms of the order of this Court dated 23.12.2022 passed in APPLICATION U/S 482 No.- 9837 of 2022 and APPLICATION U/S 482 No.- 9798 of 2022, respectively, and taking note of the same as also the nature of accusation and the fact that after compromise, the chance of conviction of the applicants of these applications are bleak, this Court is of the view that no fruitful purpose would be served in keeping the proceedings pending against these applicants. Accordingly, the prayer(s) sought in the APPLICATION U/S 482 No. 12429 of 2023 (Arvind Singh Bhadauria Vs. State of U.P. Thru. Prin. Secy. Home Deptt. Lko. And Another) and APPLICATION U/S 482 No. 12443 of 2023 (Karamveer Tripathi and 2 Others Vs. State of U.P. Thru. Prin. Secy. Home Deptt. Lko. And Another) are hereby **allowed**. Criminal

proceedings including the charge-sheet(s) and summoning order, indicated herein-under, are hereby quashed qua the applicant(s) of APPLICATION U/S 482 No.12429 of 2023 namely Arvind Singh Bhadauria and APPLICATION U/S 482 No. 12443 of 2023 namely Karamveer Tripathi, Dharmveer Tripathi and Akhilesh Tripathi.

a. Proceedings of Criminal Case No.95018 of 2019; (State Versus Karamveer Tripathi and others), arising out of Case Crime No.71 of 2018, under Sections- 323, 504 I.P.C., Police Station-Mahanagar, District- Lucknow, pending in the Court of learned Special Additional Chief Judicial Magistrate, (C.B.I./Ayodhya Prakaran), Lucknow, as well as impugned charge-sheet dated 23.8.2019 and impugned cognizance and summoning order dated 22.10.2019, passed by the learned Special Additional Chief Judicial Magistrate, (C.B.I./Ayodhya Prakaran), Lucknow.

b. Proceedings of Criminal Case No. 10694 of 2020; (State Versus Surya Lal Yadav and others), arising out of Case Crime No.62 of 2018, under Sections- 341, 323, 506 I.P.C., Police Station-Mahanagar, District- Lucknow, pending in the Court of learned Special Additional Chief Judicial Magistrate, (C.B.I./Ayodhya Prakaran), Lucknow, as well as impugned charge-sheet dated 15.8.2019, and impugned cognizance and summoning order dated 18.1.2020, passed by the learned Special Additional Chief Judicial Magistrate, (C.B.I./Ayodhya Prakaran), Lucknow.

12. In regard to Application U/S 482 No.5525 of 2023, the victim and the applicants have settled the dispute amicably out of the court and to the same effect, a compromise was entered into and the same has already been verified by the trial court on 03.05.2023 in terms of the earlier order of this Court dated

25.04.2023 passed in Application U/S 482 No.8536 of 2019 and taking note of the same as also the accusation made against the applicants in the FIR as also the observations made by the Hon'ble Apex Court in the case of **Ramawatar (supra)**, this Court is of the view that chances of conviction of applicants are extremely bleak and no fruitful purpose would be served in keeping the proceeding pending against the applicants of this application. Accordingly, the Application U/S 482 No.5525 of 2023 is **allowed**. The entire proceeding of Sessions Trial No. 362 of 2019 arising out of Case Crime No. 256 of 2017 under section 147, 279, 337, 233, 504, 506 & 452 IPC read with section 3(1)(D) & 3(2) V(A) of SC/ST Act, Police Station.- Kamrauli, District Amethi including the charge-sheet submitted by the police in Criminal Case no. 256 of 2017 as also the cognizance and the summoning order dated 20-07-2019 passed by the Special Judge, SC/ST Act at court no. 2, District Sultanpur, are hereby quashed qua the applicants namely Khursheed and Rihan.

Order Date :- 21.12.2023/Raj