

Court No. - 9

Case :- APPLICATION U/S 482 No. - 6094 of 2023

Applicant :- Akash Rai Sharma And 3 Others

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt. Lko. And 2 Others

Counsel for Applicant :- Abdul Muquit Faridi

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Kumar Singh,J.

1. Heard learned counsel appearing for the petitioners and learned Additional Government Advocate appearing for the State.

2. Present petition under Section 482 Cr.P.C. has been filed seeking quashing of the entire proceedings of Case Crime No.409 of 2018, U/s 498A, 323, 504, 506 I.P.C. and 3/4 of D.P. Act, P.S. Gazipur, District- Lucknow including the Charge sheet No.4092730 of 2019 as well as summoning order dated 18.11.2019 passed by Additional Chief Judicial Magistrate-Custom, Lucknow.

3. Earlier, the petitioners had approached this Court for quashing of the impugned proceedings on the ground of compromise arrived at between the parties. A Coordinate Bench of this Court, vide order dated 22.05.2023 passed in the said petition, disposed of the petition with the direction to the Court concerned to verify the compromise and prepare a report to that effect in respect of the compromise,. Petitioners were given liberty to file a fresh petition on the basis of compromise arrived at between the parties if the same was verified.

4. In pursuance to the said liberty granted by the Coordinate Bench of this Court, the petitioners have filed this writ petition under Section 482 Cr.P.C. for quashing of the impugned proceedings. The compromise as well as the verification report

of the Magistrate have been placed on record of the petition.

5. Learned counsels for the parties submit that they have settled their dispute amicably outside the Court and they have arrived at the compromise. Compromise entered into between the parties dated 15.05.2023 has been placed on record as **Annexure-5** to the petition. The parties have confirmed the terms of the compromise. Compromise has been verified between the parties by Special Chief Judicial Magistrate-Custom, Lucknow vide order dated **30.05.2023** in compliance of the order dated **22.05.2023** passed by this Court in Application u/s 482 No.**5007 of 2023**.

6. I have considered the submissions of learned counsel for the parties.

7. Considering the ratio laid down by the Supreme Court in the cases of **B. S. Joshi and others** versus **State of Haryana and another** : (2003) 4 SCC 675, **Nikhil Merchant** versus **C.B.I. and another** : (2008) 9 SCC 677, **Manoj Sharma** versus **State and others** : (2008) 16 SCC 1, **Gian Singh** versus **Station of Punjab**: (2010) 15 SCC 118 and **Narinder Singh and others** versus **State of Punjab and another**: (2014) 6 SCC 466, it would be appropriate in the facts and circumstances of the case to quash the criminal proceedings as continuance of the proceedings in pursuance of the criminal proceedings would be an exercise in futility.

8. In view of the fact that the parties have settled their dispute outside the Court by way of compromise arrived at between the parties and law laid down by the Supreme Court of India, the present petition is **allowed** and proceedings of Case Crime No.409 of 2018, U/s 498A, 323, 504, 506 I.P.C. and 3/4 of D.P. Act, P.S. Gazipur, District- Lucknow including the Charge sheet

No.4092730 of 2019 as well as summoning order dated 18.11.2019 are hereby **quashed**.

Order Date :- 23.6.2023
V. Sinha