

Court No. - 28

Case :- APPLICATION U/S 482 No. - 8044 of 2023

Applicant :- Ghanshyam And Another

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

Counsel for Applicant :- D.P. Dutt Tiwari, Amrish Singh

Counsel for Opposite Party :- G.A., Deepshikha Singh, Indresh Kumar, Shrawan Kumar

Hon'ble Shree Prakash Singh, J.

Heard Sri D. P. Dutt Tiwari, learned counsel for the applicants, Sri Shrawan Kumar, for opposite party no.2, Ms. Nusrat Jahan, learned AGA for the State and perused the material placed on record.

The instant application has been filed with prayer to quash the impugned Charge Sheet No.01 of 2022 dated 27.09.2022, arising out of Case Crime No.0292 of 2022, under Sections 406, 420, 504, 506 IPC, Police Station Bakshi ka Talab, District Lucknow, and further quashing of entire criminal proceedings of Criminal Case No.121165 of 2022 (State vs. Ghanshyam and Another) which is pending before the learned Additional Chief Judicial Magistrate-V, Lucknow.

Learned counsel for the applicants submits that initially an FIR was lodged by the opposite party no.2 on 20.08.2022 under Sections 406, 420, 504, 506 IPC, wherein an allegation was made that the applicants have committed cheat and fraud and they have misappropriated certain amount. He added that, in fact, the amount which is said to be misappropriated was in the form of some money transaction between the parties and under some misconception the FIR was lodged, thereafter, the parties said together and they have settled their dispute. He added that this Court vide order dated 17.08.2023 referred the matter to the Mediation and Conciliation Centre where the parties appeared and have settled their dispute amicably vide settlement agreement dated 10.10.2023 and the terms and conditions have also been mentioned therein. He submits that now there is no dispute between the parties and all the dispute have been put to rest and therefore allowing further criminal proceedings against the applicants is futile exercise and there is no fate of trial, therefore, the criminal proceedings against the applicants may be quashed.

On the other hand learned counsel for opposite party no.2 has supported the version of the learned counsel for the applicants and submits that the parties have settled their dispute and now there is no grievance between the parties, therefore, the criminal proceedings against the applicants may be dropped.

Learned AGA for the State has no objection to the contentions aforesaid.

Considering the submissions of learned counsel for the parties and from the perusal of material available on record, it transpires that there was a dispute regarding some money transaction in between the parties, therefore, an FIR was lodged and thereafter the charge sheet was filed and the applicants were summoned. Thereafter, the applicants challenged the charge sheet dated 27.09.2022 and the summoning order dated 13.12.2022 before this Court. Thereafter, on the request by the learned counsel for the parties, the matter was referred to the Mediation and Conciliation Centre of this Court where the parties appeared and settled their dispute amicably.

From the perusal of record, it transpires that there is report of the Mediator dated 10.10.2023 which shows that the matter has been finally settled and the parties have settled their dispute vide settlement agreement dated 10.10.2023, the copy of which is also appended with the Mediator's report.

In view of the aforesaid, the criminal proceedings of Criminal Case No.121165 of 2022 (State vs. Ghanshyamand Another) arising out of Case Crime No.0292 of 2022, is hereby **quashed**.

Settlement agreement dated 10.10.2023 shall be part of this order.

Consequences shall be followed.

Consigned to record.

Order Date :- 12.10.2023

Manoj K.