

Court No. - 21

Case :- CRIMINAL APPEAL No. - 2793 of 2023

Appellant :- Avadhesh Pandey

Respondent :- State Of U.P. Thru. Prin. Secy. Home Lko. And Another

Counsel for Appellant :- Sharvan Kumar Pandey, Km. Anjali Gautam

Counsel for Respondent :- G.A., Mukesh Kumar Tiwari

Hon'ble Neeraj Tiwari, J.

1. Heard learned counsel for the appellant, Sri Ashok Kumar Singh, learned AGA and Sri Mukesh Kumar Tiwari, learned counsel for the opposite party no.2.
2. The present appeal has been filed for quashing the impugned order dated 13.4.2023 passed by Special Judge SC/ST Act, Gonda in Session Case No. 613 of 2023 arising out of Case Crime No. 123 of 2022, under Sections 420, 504, 506, 507 IPC and 3(1) Da and Dha, P.S. Khargu Pur, District Gonda.
3. Learned AGA has produced the instruction dated 11.10.2023. As per instruction, opposite party no.2 has received Rs.25,000/- as compensation from the State.
4. Learned counsel for the appellant submitted that now compromise has been taken place between the parties. He next submitted that this fact is also mentioned in the short counter affidavit filed by the opposite party no.2. It is also mentioned that opposite party no.2 does not want to pursue the case against the applicant any further. He lastly submitted that in light of compromise deed, present proceeding may be quashed.
5. Sri Mukesh Kumar Tiwari, learned counsel for the opposite party no.2 has not disputed the aforesaid facts and also submitted that in case aforesaid proceeding is quashed, he would have no objection.
6. In view of above, the appellant 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. Learned trial Court is directed to ensure deposit of amount of compensation received by opposite party no.2 before closing the proceeding of above case.

8. The present appeal is, accordingly **allowed**. No order as to costs.

Order Date :- 16.10.2023

Junaid