

Court No. - 12

Case :- APPLICATION U/S 482 No. - 9706 of 2023

Applicant :- Krishna Kumar Pandey And 2 Others

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

Counsel for Applicant :- Vinod Kumar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Vakalatnama filed by Mr. Dilip Mishra, Advocate on behalf of private respondent is taken on record. Short counter affidavit filed by Mr. Dilip Mishra, Advocate is also taken on record.

2. Heard learned counsel for the applicants, learned counsel for private respondent, learned A.G.A. for the State and perused the record.

3. The present application has been filed for quashing the impugned order dated 19.09.2023 passed in Crl. Case No.7832 of 2020 arising out of Case Crime No.114 of 2018 U/s 504 I.P.C., Police Station- Mandhata, District- Pratapgarh as well as proceedings of Crl. Case No.7832 of 2020.

4. On 06.10.2023 following order was passed:-

"1. Heard learned counsel for the applicants as well as learned A.G.A. for the State.

2. The present application has been filed for quashing the impugned order dated 19.09.2023 passed in Crl. Case No.7832 of 2020 arising out of Case Crime No.114 of 2018 U/s 504 I.P.C., Police Station- Mandhata, District- Pratapgarh as well as proceedings of Crl. Case No.7832 of 2020.

3. Learned counsel for the applicants submits that applicants have been falsely implicated in the present case only with the intention to deprive the applicant no.1 to get the government employment. He further submits that as per the contents of F.I.R. in question, it is alleged that all the applicants entered into the house of informant and gave him beatings with kicks & punches collectively but not even a single injury was found on his body. He further submits that after investigation, charge-sheet was filed for the offence U/s 504 I.P.C. He further submits that discharge application U/s 239 Cr.P.C. dated 10.05.2023 was moved by applicant no.1 but the same was rejected. He further submits that in the statement of informant recorded U/s 161 Cr.P.C., it is admitted that he did not go to the doctor for medico legal examination and Investigating Officer himself observed that no sign of injury is found on his body, therefore, the said incident is suspicious. In this regard, it is alleged that all these facts were not

considered by learned trial court at the time of deciding the said discharge application. He further submits that the alleged offenses are non-cognizable and learned trial court has treated the same as police case which is not permissible in accordance with the provisions of Section 2(d) of Cr.P.C. It is, thus, submitted that indulgence of this Court is necessary.

4. Learned A.G.A. opposes the prayer of applicants but he does not dispute this fact that Investigating Officer, in the case diary, has given finding at the time of recording the statement of witness that incident related to skirmishes is suspicious.

5. Considering the submissions of learned counsel for the applicant, learned A.G.A. and going through the contents of application as well as other relevant documents including the impugned order, statement of informant recorded U/s 161 Cr.P.C.; it cannot be disputed that Investigating Officer has himself observed that at the time of recording the statement of informant, the incident related to skirmishes is found to be suspicious. In such circumstances, the matter requires consideration.

6. List this case on 18.10.2023.

7. On the next date, applicants and private respondent shall appear in person before this Court.

8. Station House Officer, Police Station- Mandhata, District- Pratapgarh is directed to ensure the presence of respondent no.2 before this Court on the next date of listing.

9. Till the next date of listing, no coercive steps shall be taken against the applicants."

5. In pursuance of aforesaid directions, applicant no.1, applicant no.3 and private respondent are present today before this Court. They have been duly identified by their respective counsels.

6. Learned counsel for the applicants submits that due to some misunderstanding, F.I.R. of the case in question was lodged. He further submits that the issue has already been resolved between the parties and now they are residing peacefully. He further submits that amicable settlement has already been arrived between the parties on 18.10.2023. He further submits that one N.C.R. No.69 of 2018 dated 21.03.2018 U/s 325, 504, 506 I.P.C., Police Station- Mandhata, District- Pratapgarh was lodged by applicant no.3 but now she does not want to pursue the aforesaid case and she also moved a proper application for withdrawal of aforesaid case. It is, thus, requested that the proceedings may be quashed.

7. Learned A.G.A. vehemently opposes the prayer of applicant and submits that after detail investigation, charge-sheet has already been filed by Investigating Officer and cognizance was also taken by trial court.

8. Learned counsel for private respondent submits that the issue has already been resolved between the parties and settlement agreement dated 18.10.2023 is annexed to the aforementioned short counter affidavit. He further submits that he has no objection, in case, the proceedings are quashed.

9. Hon'ble Apex Court in catena of decisions has held that inherent power can be used to do real and substantial justice as has been held in *Gian Singh Vs State of Punjab, 2012 AIR SCW 5333, B.S. Joshi and others Vs State of Haryana, (2003) 3 SCC 675 and Narinder Singh Vs State of Punjab, (2014) 6 SCC 466*. Hence, inherent power can be exercised to speed up the process of ending the criminal proceedings where the settlement is arrived at between the parties.

10. In view of the aforesaid and the fact that parties do not want to pursue the case any further, the matter is purely of personal nature, which has been mutually settled between the parties by way of the compromise, therefore, no useful purpose would be served in proceeding with the matter further.

11. Considering the submissions of learned counsel for the applicant, learned A.G.A. and going the contents of application, short counter affidavit filed by learned counsel for private respondent, settlement agreement dated 18.10.2023; this Court is of the view that the proceedings are liable to be quashed.

12. For the discussions made above, the present application is **allowed** and the impugned order dated 19.09.2023 passed in Crl. Case No.7832 of 2020 arising out of Case Crime No.114 of 2018 U/s 504 I.P.C., Police Station- Mandhata, District- Pratapgarh as well as proceedings of Crl. Case No.7832 of 2020 are hereby **quashed**.

13. Office is directed to communicate this order to trial court, forthwith.

Order Date :- 18.10.2023

Arpan