

Court No. - 28

Case :- APPLICATION U/S 482 No. - 10042 of 2023

Applicant :- Gufran Ali

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

Counsel for Applicant :- Pankaj Dheer Singh Rana

Counsel for Opposite Party :- G.A.

Hon'ble Shree Prakash Singh,J.

Sri Shiv Pratap Singh, Advocate has put in appearance by filing Vakalatnama on behalf of the opposite party no.2 and the same is taken on record.

Heard Sri Pankaj Dheer Singh Rana, learned counsel for the applicant, Sri Sushil Kumar Pandey, learned A.G.A. for the State, Sri Shiv Pratap Singh, learned counsel for the opposite party no.2 and perused the record.

By means of the instant application, the applicant has prayed for quashing of the Criminal Case No. 115217 of 2022, State Vs. Gufran Ali, pending in the court of learned Chief Judicial Magistrate, Lucknow, arising out of Case Crime No.209 of 2022, under sections 354,506 of I.P.C., Police Station-Gomti Nagar Vistar, District-Lucknow alongwith cognizance and summoning order dated 24-11-2022 and the chargesheet dated 09-08-2022 in the light of the order dated 25-08-2023.

Learned counsel appearing for the applicant submits that due to some misunderstanding the instant FIR was lodged and thereafter the parties sat together and they have settled their dispute and that too has been reduced in writing as a compromise deed dated 08.09.2022. Adding his arguments, he submits that now the parties have put their all disputes at rest by way of executing compromise deed and thus further criminal proceedings against the present applicant would be a futile exercise and amount to harassment of the applicant.

Adding his arguments, he also submits that this Hon'ble Court vide order dated 18.08.2023 has referred the matter for compromise verification in Application U/S 482 Cr.P.C. No. 8143 of 2023 and in compliance of the aforesaid order, both the parties have appeared before the court below and the compromise deed dated 08.09.2022 has been verified in presence of all concerned parties and the order of verification was passed on 25.08.2023 by the learned Chief Judicial Magistrate, Lucknow. He next added that now the matter has been compromised between the parties, and as such the proceedings of Criminal Case No.115217 of 2022 (State of U.P. versus Gufran Ali) arising out of Case Crime No.209 of 2022, under Sections 354,506 of IPC, Police Station-Gomti Nagar Vistar, District -Lucknow may be quashed.

On the other hand, learned counsel for the opposite party no.2 has also supported the version of the applicant and submits that the parties have entered into compromise deed and now there is no dispute in between the parties and thus the criminal proceeding against the applicant may be dropped.

On the other hand, learned AGA appearing for the State has no objection to the contentions aforesaid.

Considering the aforesaid submissions of the learned counsel for the parties, I find that compromise has been entered into between the parties on 08.09.2022 and said compromise has been verified on 25.08.2023 and, now, as per the statement of learned counsel for the parties, they do not want to press the aforementioned State versus Gufran Ali, arising out of aforementioned Case Crime No.209 of 2022.

In view of the above, as the applicants and opposite parties have entered into compromise on 08.09.2022 and no grievance remains to be agitated and as such, further criminal proceedings in the aforementioned criminal case are liable to be set aside in view of the Judgements of the Apex Court rendered in **B.S. Joshi and others Vs. State of Haryana and another (2003)4 SCC**

675; Nikhil Merchant Vs. Central Bureau of Investigation[2008)9 SCC 677]; Manoj Sharma Vs. State and others (2008) 16 SCC 1; Gian Singh Vs. State of Punjab (2012) 10 SCC 303; and Narindra Singh and others Vs. State of Punjab (2014) 6 SCC 466.

Resultantly, the proceedings of Criminal Case No.115217 of 2022 (State of U.P. versus Gufran Ali) arising out of Case Crime No.209 of 2022, under Sections 354,506 of IPC, Police Station-Gomti Nagar Vistar, District -Lucknow, are hereby **quashed**.

The compromise deed shall be part of this order.

Consequences to be followed.

The application is **allowed** accordingly.

Order Date :- 13.10.2023

AKS