

Court No. - 28

Case :- APPLICATION U/S 482 No. - 10142 of 2023

Applicant :- Utkarsh Pratap Singh

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

Counsel for Applicant :- Pawan Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Shree Prakash Singh,J.

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

Heard Sri Pawan Kumar Singh, learned counsel for the applicant, Sri V. N. Nishad, learned A.G.A. for the State, Sri Ambrish Singh Yadav, learned counsel for the opposite party no.2 and perused the record.

By means of the instant application, the applicants have prayed to quash the entire criminal proceeding of Criminal Case No.275/2023 (State Versus Utkarsh Pratap Singh) presently pending in the court of Juvenile Justice Board, Lucknow initiated against the petitioner in pursuance of the impugned charge sheet dated 4.10.2020 arising out of Case Crime No.301/2020, Under Sections-420, 467, 468, 471 IPC, Police Station - Vibhuti Khand, District Lucknow, as well as cognizance/summoning order dated 8.1.2021 passed by learned Chief Judicial Magistrate, Lucknow in Criminal Case No.2057/2021 (State Versus Utkarsh Pratap Singh) on the basis of the compromise deed dated 20.12.2022 and its verification report dated 6.10.2023,

Learned counsel appearing for the applicant submits that the matter pertains to the matrimonial dispute and 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 20.12.2022. 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 applicants.

Adding his arguments, he also submits that this Hon'ble Court

vide order dated 11.08.2022 has referred the matter for compromise verification in Application U/S 482 Cr.P.C. No.7964 of 2023 and in compliance of the aforesaid order, both the parties have appeared before the court below and the compromise deed dated 20.12.2022 has been verified in presence of all concerned parties and the order of verification was passed on 06.10.2023 by the Juvenile Justice Board, Mohan Road, Lucknow. He next added that now the matter has been compromised between the parties, and as such the proceedings of Criminal Case No.275/2023 (State Versus Utkarsh Pratap Singh) presently pending in the court of Juvenile Justice Board, Lucknow initiated against the petitioner in pursuance of the impugned charge sheet dated 4.10.2020 arising out of Case Crime No.301/2020, Under Sections-420, 467, 468, 471 IPC, Police Station - Vibhuti Khand, 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 20.12.2022 and said compromise has been verified on 06.10.2023 and, now, as per the statement of learned counsel for the parties, they do not want to press the aforementioned Criminal Case bearing No.275/2023 (State Versus Utkarsh Pratap Singh).

In view of the above, as the applicant and opposite parties have entered into compromise on 20.12.2022 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.275/2023 (State Versus Utkarsh Pratap Singh) presently pending in the court of Juvenile Justice Board, Lucknow initiated against the

petitioner in pursuance of the impugned charge sheet dated 4.10.2020 arising out of Case Crime No.301/2020, Under Sections-420, 467, 468, 471 IPC, Police Station - Vibhuti Khand, District Lucknow, are hereby **quashed**, so far as the applicants are concerned.

The compromise deed shall be part of this order.

Consequences to be followed.

The application is **allowed** accordingly.

Order Date :- 16.10.2023

Manoj K.