

Court No. - 28

Case :- APPLICATION U/S 482 No. - 10227 of 2023

Applicant :- Smt. Malti Devi And Others

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Anil Kumar Pandey

Counsel for Opposite Party :- G.A., Vishnu Dev Shukla

Hon'ble Shree Prakash Singh,J.

Sri Vishnu Dev Shukla, Advocate has put in appearance by way of filing Vakalatnama on behalf of the opposite party no.2 and the same is taken on record.

Heard Sri Anil Kumar Pandey, learned counsel for the applicants, Ms. Nusrat Jahan, learned A.G.A for the State, Sri Vishnu Dev Shukla, learned counsel for the opposite party no.2 and perused the record.

By means of the instant application, the applicants have prayed for setting aside the impugned summoning order dated 22-05-2018 passed by the Chief Judicial Magistrate, Pratapgarh in Criminal Complaint No. 1334 of 2016, Shahida Begum Vs. Chauki Incharge & Ors, under sections 147,148,149,452,323,427 and 394 of I.P.C., Police Station-Kotwali Nagar, District-Pratapgarh and the order dated 13-01-2020 passed by the Sessions Judge, Pratapgarh in Criminal Revision No. 127 of 2019.

Learned counsel appearing for the applicants 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 22.07.2023. 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 applicants 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 29.08.2023 has referred the matter for compromise verification in Application U/S 482 Cr.P.C. No. 1115 of 2020 and in compliance of the aforesaid order, both the parties have appeared before the court below and the compromise deed dated 22.07.2023 has been verified in presence of all concerned parties and the order of verification was passed on 18.09.2023 by the learned Chief Judicial Magistrate, Pratapgarh. He next added that now the matter has been compromised in between the parties, and as such the proceedings of Criminal Complaint No. 1334 of 2016, Shahida Begum Vs. Chauki Incharge and Others, under Sections 147,148,149,452,323,427 and 394 of IPC, Police Station-Kotwali Nagar, District - Pratapgarh, may be quashed.

On the other hand, learned counsel for the opposite party no.2 has also supported the version of the applicants 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 22.07.2023 and said compromise has been verified on 18.09.2023 and, now, as per the statement of learned counsel for the parties, they do not want to press the aforementioned Shahida Begum versus Chauki Incharge and Others,, arising out of aforementioned Criminal Complaint No.1334 of 2016.

In view of the above, as the applicants and opposite parties have entered into compromise on 22.07.2023 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 Complaint No. 1334 of 2016, Shahida Begum Vs. Chauki Incharge and Others, under Sections 147,148,149,452,323,427 and 394 of IPC, Police Station-Kotwali Nagar, District - Pratapgarh, are hereby **quashed**.

The compromise deed shall be part of this order.

Consequences to be followed.

The application is **allowed** accordingly.

Order Date :- 18.10.2023

AKS