

Court No. - 28

Case :- APPLICATION U/S 482 No. - 10268 of 2023

Applicant :- Babloo @ Gufran And 4 Others

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

Counsel for Applicant :- Pankaj Pandey

Counsel for Opposite Party :- G.A.,Manoj Kumar Gupta

Hon'ble Shree Prakash Singh,J.

Sri Manoj Kumar Gupta, 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 Pandey, learned counsel for the applicants, Sri Manoj Kumar Gupta, learned counsel for the opposite party no.2as well as Sri B. N. Nishad, learned A.G.A. for the State and perused the record.

By means of the instant application, the applicants have prayed for quashing of the impugned Charge Sheet No.A-80, dated 25-05- 2017, in F.I.R. No. 156/2017, Under Section- 147, 148, 149, 323, 504, 506 IPC relating to Police Station -Badosaray, District- Barabanki, alongwith summoning order dated 05-08-2017 issued by Learned Additional Chief Judicial Magistrate, Court No. 12, Barabanki, in Case No.1110 of 2017 (State vs. Babloo and Others)

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 on 13.12.2022. 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 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 31.07.2023 has referred the matter for compromise verification in Application U/S 482 Cr.P.C. No.7341 of 2023 and in compliance of the aforesaid order, both the parties have appeared before the court below and the compromise deed dated 13.12.2022 has been verified in presence of all concerned parties and the order of verification

was passed on 11.08.2023 by the learned Civil Judge (J.D.), F.T.C., Court No.39, Barabanki. He next added that now the matter has been compromised between the parties, and as such the criminal proceedings arising out of the impugned Charge Sheet No.A-80, dated 25-05- 2017, in F.I.R. No. 156/2017, Under Section- 147, 148, 149, 323, 504, 506 IPC relating to Police Station -Badosaray, District- Barabanki, as well as summoning order dated 05-08-2017, issued by Learned Additional Chief Judicial Magistrate, Court No. 12, Barabanki, in Case No.1110 of 2017 (State vs. Babloo and Others) may be quashed.

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 and now there is no dispute in between the parties and thus the criminal proceeding against the applicants may be dropped.

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

In view of the above, as the applicants and opposite parties have entered into compromise on 13.12.2022 and no grievance remains to be agitated and said compromise has been verified on 11.08.2023 and, now, as per the statement of learned counsel for the parties, they do not want to press the aforementioned case, 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 criminal proceedings against the applicants, arising out of the impugned Charge Sheet No.A-80, dated 25-05- 2017, in F.I.R. No. 156/2017, Under Section- 147, 148, 149, 323, 504, 506 IPC relating to Police Station -Badosaray, District- Barabanki, as well as summoning order dated 05-08-2017, issued by Learned Additional Chief Judicial Magistrate, Court No. 12, Barabanki, in Case No.1110 of 2017 (State vs. Babloo and Others) 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

Manoj K.