

Court No. - 28

Case :- APPLICATION U/S 482 No. - 10375 of 2023

Applicant :- Mushahid Ui Islam Hasan Khan @ Farzan Khan And 2 Others

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

Counsel for Applicant :- Aftab Alam Malik

Counsel for Opposite Party :- G.A.

Hon'ble Shree Prakash Singh,J.

Heard learned counsel for the applicants, Sri Aniruddha Kumar Singh, learned A.G.A.-1 for the State, and perused the record.

By means of the instant application, the applicants have prayed for quashing of the entire proceeding of Criminal Case No. 122050 of 2022 (State Vs. Mushahid Ui Islam Hasan Khan @ Farzan Khan) pending before the court of learned Chief Judicial Magistrate, Fifth Lucknow arising out of case crime no. 109 of 2021 under Sections 498-A, 323, 504, 506 I.P.C. and Section 3/4 of the D.P. Act at police Station- Chowk, District- Lucknow arising out of Charge Sheet No. 1 of 2022 dated 22.9.2022 under Sections 498-A, 323, 504, 506 I.P.C. and Section 3/4 of the D.P. Act as well as summoning order dated 30.11.2022 passed by the learned Chief Judicial Magistrate, Fifth, Lucknow on the basis of compromise between the parties.

Learned counsel appearing for the applicants submits that the matter pertains to the matrimonial dispute and due to some misunderstanding the instant FIR was lodged and thereafter the parties were sit together and they have settled their dispute and that too has been reduced in writing as a compromise deed dated 26.05.2023. 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 25.07.2023 has referred the matter for compromise verification in Application U/S 482 Cr.P.C. No. 7171 of 2023 and in compliance of the aforesaid order, both the parties have appeared before the court below and the compromise deed dated 26.05.2023 has been verified in presence of all concerned parties and the order of verification was passed on 19.8.2023 by the trial court concerned. He next added that now the matter has been compromised between the parties, and as such the proceedings of Criminal Case No. 122050 of 2022 (State Vs. Mushahid Ui Islam Hasan Khan @

Farzan Khan) pending before the court of learned Chief Judicial Magistrate, Fifth Lucknow arising out of case crime no. 109 of 2021 under Sections 498-A, 323, 504, 506 I.P.C. and Section 3/4 of the D.P. Act at police Station- Chowk, District- Lucknow arising out of Charge Sheet No. 1 of 2022 dated 22.9.2022 may be quashed

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 26.5.2023 and said compromise has been verified on 19.08.2023 and, now, as per the statement of learned counsel for the parties, they do not want to press the aforementioned case.

In view of the above, as the applicants and opposite parties have entered into compromise on 26.5.2023 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.

Accordingly, Criminal Case No. 122050 of 2022 (State Vs. Mushahid Ui Islam Hasan Khan @ Farzan Khan) pending before the court of learned Chief Judicial Magistrate, Fifth Lucknow arising out of case crime no. 109 of 2021 under Sections 498-A, 323, 504, 506 I.P.C. and Section 3/4 of the D.P. Act at police Station- Chowk, District- Lucknow arising out of Charge Sheet No. 1 of 2022 dated 22.9.2022 are hereby set aside.

The compromise deed shall be part of this order.

Consequences to be followed.

The application is allowed accordingly.

Order Date :- 19.10.2023

Anuj Singh