

Court No. - 28

Case :- APPLICATION U/S 482 No. - 10370 of 2023

Applicant :- Sabira Bano And 5 Others

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

Counsel for Applicant :- Pramod Kumar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Shree Prakash Singh,J.

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

2. By means of the instant application, the applicants have prayed to quash the charge sheet dated 12.05.2018 in Case Crime No. 0176/2018, Under Section 147, 148, 149, 452, 323, 504, 506 I.P.C., Police Station- Gosaiganj, District-Sultanpur by learned Civil Judge (Junior Division), Court No. 31, Sultanpur in Criminal Case No. 1456/2019 on the basis of compromise dated 09.02.2021 and its verification report dated 02.09.2021 issued by learned learned Additional Civil Judge (Junior Division)/Judicial Magistrate, Court No. 31, Sultanpur.

3. The learned counsel for the applicants submits that due to certain misunderstanding, the instant FIR was lodged against the applicants and thereafter the parties sat together and has amicably settled their dispute which has been reduced in writing on 09.02.2021. He added that thereafter the applicants filed the instant application for direction to the trial Court to verify the compromise deed and in compliance of the order dated 02.09.2021, the verification was done and report has been submitted to this Court vide order dated 12.08.2021. He submits that further criminal proceeding in the instant matter would amount to harassment and thus the instant criminal proceeding arising out of Case Crime No. 0176 of 2018 may be quashed.

4. Learned counsel for the State has no objection to the contention aforesaid.

5. Considering the aforesaid submissions of the learned counsel for the parties, I find that compromise has been entered into between the parties on 09.02.2021 and said compromise has been verified on 02.09.2021 and, now, as per the statement of learned counsel for the parties, they do not want to press the

aforementioned criminal case relating to Case Crime No. 0176 of 2018.

6. In view of the above, as the applicants and opposite parties have entered into compromise on 09.02.2021 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.**

7. Accordingly, criminal proceedings with regard to quash the charge sheet dated 12.05.2018 in Case Crime No. 0176/2018, Under Section 147, 148, 149, 452, 323, 504, 506 I.P.C., Police Station- Gosaiganj, District-Sultanpur by learned Civil Judge (Junior Division), Court No. 31, Sultanpur in Criminal Case No. 1456/2019 on the basis of compromise dated 09.02.2021 and its verification report dated 02.09.2021 issued by learned learned Additional Civil Judge (Junior Division)/Judicial Magistrate, Court No. 31, Sultanpur, are hereby quashed.

8. The compromise shall be part of this order.

9. The application is allowed accordingly.

10. Consigned to record.

Order Date :- 19.10.2023

Mayank