

Court No. - 28

Case :- APPLICATION U/S 482 No. - 10431 of 2023

Applicant :- Abhishek Lodhi And Another

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home 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, learned A.G.A. for the State, Sri Aniruddh Kumar Singh, learned AGA-I for the State and perused the material placed on record.

By means of the instant application, the applicants have prayed for quashing of the entire proceedings of Criminal Case No.143871 of 2022, State Vs. Abhishek Lodhi & another, pending before the court of Special Chief Judicial Magistrate, Lucknow, arising out of Case Crime No.95 of 2022, under Sections 147, 148, 323, 341, 504, 506 I.P.C. at Police Station Malihabad, District Lucknow arising out of Charge sheet No.01 of 2022 dated 20.4.2022, under Sections 308, 323, 341 of 504, 506, 325 I.P.C. at Police Station Malihabad, District Lucknow as well as summoning order dated 15.10.2022 on the basis of compromise between the parties which was duly verified by Special Chief Judicial Magistrate, Custom, Lucknow vide order dated 16.8.2023 in pursuance of order dated 17.7.2023 passed by this Court in A-482 No.6715 of 2023, Abhishek Lodhi & another Vs. State of U.P. & another.

Learned counsel for the applicants submits that due to certain misunderstanding, the instant F.I.R. was lodged against the applicants. He added that later on, the parties sat together and have amicably settled their disputes, which has been reduced in writing on 20.6.2023. Thereafter, the applicants filed an Application U/S 482 No.6715 of 2023 wherein this Court, vide order dated 17.7.2023, has directed the court below to verify the said compromise deed and in compliance thereof, the compromise deed was verified on 16.8.2023. He submits that now there is no dispute in between the parties and they have settled their dispute. He submits that further criminal proceedings in the instant matter would amount to harassment and, thus, the instant criminal proceedings against the applicants may be quashed.

Learned counsel for the opposite party no.2 has also supported

the version of the learned counsel for the applicants and submits that parties have amicably settled their dispute and the opposite party no.2 has no grievance, hence, criminal proceedings against the applicants may be dropped.

Learned counsel for the State has no objection to the submissions aforesaid.

Considering the aforesaid submissions of the learned counsel for the parties, I find that compromise has been entered into between the parties on 10.6.2023 and said compromise has been verified on 17.7.2023 and, now, as per the statement of learned counsel for the parties, they do not want to press the aforementioned criminal proceedings against the applicants.

In view of the above, as the applicants and opposite parties have entered into compromise on 20.6.2023 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 Judgments 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, entire criminal proceedings in Criminal Case No.143871 of 2022, State Vs. Abhishek Lodhi & another, arising out of Case Crime No.95 of 2022, under Sections 147, 148, 323, 341, 504, 506 I.P.C. at Police Station Malihabad, District Lucknow, are hereby quashed.

The compromise shall be part of this order.

The application is allowed accordingly.

Consigned to records.

Order Date :- 19.10.2023

Ram Murti