

Court No. - 28

Case :- APPLICATION U/S 482 No. - 10763 of 2023

Applicant :- Ram Bilas And Another

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

Counsel for Applicant :- Rajiv Raman Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Shree Prakash Singh,J.

Supplementary affidavit filed today by the counsel for the applicant is taken on record.

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

Heard Sri Rajiv Raman Srivastava, learned counsel for the applicants, Sri B.N. Nishad, learned A.G.A. for the State, Sri Adarsh Shukla, learned counsel for the opposite party no.2 and perused the record.

By means of the instant application, the applicants have prayed to quash the entire proceeding of Criminal Case No. 36817 of 2023 pending in the Court of ACJM, IInd, Lucknow arising out of Case Crime No. 530 of 2021, under Sections 379 of IPC and Section 4/21 Mines Act, P.S. Sushant Golf City, Lucknow as well as impugned charge-sheet no. 01 dated 02.06.2022 and summoning order dated 25.04.2023.

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 26.09.2023. 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 10.10.2023, the verification was done and report has been submitted to this Court vide order dated 25.10.2023. He submits that one of the co-accused died on 16.09.2022 and there is no criminal history of the applicants and the charges have still not been framed. 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.530 of 2021 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 the 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 26.09.2023 and said compromise has been verified on 25.10.2023 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. 530 of 2021.

In view of the above, as the applicants and opposite parties have entered into compromise on 26.09.2023 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 proceedings with regard to Criminal Case No. 36817 of 2023 pending in the Court of ACJM, IInd, Lucknow arising out of Case Crime No. 530 of 2021, under Sections 379 of IPC and Section 4/21 Mines Act, P.S. Sushant Golf City, Lucknow are hereby quashed.

The compromise shall be the part of this order.

The application is allowed accordingly.

Consigned to record.

Order Date :- 2.11.2023

Anurag