

Court No. - 12

Case :- APPLICATION U/S 482 No. - 10794 of 2023

Applicant :- Sher Singh @ Dharmendra Yadav And 2 Others

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko.
And 4 Others

Counsel for Applicant :- Sanjay Kumar Rao

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Vakalatnama filed by Shri Kanhaiya Lal Sharma, Advocate on behalf of the opposite party Nos.2 to 5 is taken on record.

2. Heard learned counsel for the applicants, learned A.G.A. for the State of U.P., learned counsel for the opposite party no.2 to 5 and perused the record.

3. This application under Section 482 Cr.P.C. has been filed with the following prayer:-

"(i) To quash the entire criminal proceedings initiated by the impugned chargesheet dated 01-04-2023 filed in FIR/case crime No. 54/2023 u/s 452, 323, 504, 506 & 354 IPC and 3(1) (r) (र), 3(1)(s) (स) & 3(2) (वा) SC/ST Act Police Station-Bijnore, including the summoning order dated 10-07-2023 passed in session trial No. 2305/2023 (State Vs. Sher Singh @ Dharmendra Yadav & others) arising out of case crime No. 54/2023 u/s u/s 452, 323, 504, 506 & 354 IPC and 3(1) (r) (र), 3(1)(s) (स) & 3(2) (वा) SC/ST Act Police Station-Bijnore pending in the court of Additional Session Judge/Special Judge SC/ST Act, District-Lucknow on the basis of compromise dated 17-08-2023 duly verified on 17-10-2023 by the court of special Judge SC/ST Act Lucknow.

(ii) To stay the operation and implementation of criminal proceedings of the session trial No. 2305/2023 (State Vs. Sher Singh @Dharmendra Yadav & others) arising out of case crime No. 54/2023 u/s u/s 452, 323, 504, 506 & 354 IPC and 3(1) (r) (र), 3(1)(s) (स) & 3(2) (वा) SC/ST Act Police Station-Bijnore pending in the court of Additional Session Judge/Special Judge SC/ST Act, District-Lucknow."

4. Learned counsel for the applicants as well as learned counsel for opposite party Nos.2 to 5 jointly submitted that vide order dated 26.09.2023 a direction was given to the trial court to verify the factum of compromise executed by the parties. In pursuance of the aforesaid order, learned trial court had verified the contents of compromise.

5. Learned counsel for the applicants and learned counsel for opposite party no. 2 jointly submitted that the parties have

entered into compromise, which has duly been verified by the trial court vide report/order dated 17.10.2023.

6. Learned A.G.A. has fairly conceded that compromise has been effected between the parties and the same has duly been verified by the trial court.

7. Hon'ble Apex Court in catena of decisions has held that inherent power can be used to do real and substantial justice as has been held in *Gian Singh Vs State of Punjab, 2012 AIR SCW 5333, B.S. Joshi and others Vs State of Haryana, (2003) 3 SCC 675 and Narinder Singh Vs State of Punjab, (2014) 6 SCC 466*. Hence, inherent power can be exercised to speed up the process of ending the criminal proceedings where the settlement is arrived at between the parties.

8. In view of the aforesaid and the fact that parties do not want to pursue the case any further, the matter is purely of personal nature, which has been mutually settled between the parties by way of the compromise, therefore, no useful purpose would be served in proceeding with the matter further.

9. For the discussions made above, the present application is **allowed** and the impugned chargesheet dated 01-04-2023 filed in FIR/case crime No. 54/2023 u/s 452, 323, 504, 506 & 354 IPC and 3(1) (r) (ट), 3(1)(s) (थ) & 3(2) (va) SC/ST Act Police Station-Bijnore, including the summoning order dated 10-07-2023 passed in session trial No. 2305/2023 (State Vs. Sher Singh @ Dharmendra Yadav & others) arising out of case crime No. 54/2023 u/s u/s 452, 323, 504, 506 & 354 IPC and 3(1) (r) (ट), 3(1)(s) (थ) & 3(2) (va) SC/ST Act Police Station-Bijnore pending in the court of Additional Session Judge/Special Judge SC/ST Act, District-Lucknow are hereby **quashed**.

10. Office is directed to communicate this order to trial court forthwith.

Order Date :- 3.11.2023

Vipul