

Court No. - 13

Case :- APPLICATION U/S 482 No. - 10897 of 2023

Applicant :- Maqsood Khan And 3 Others

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

Counsel for Applicant :- D.P. Dutt Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Karunesh Singh Pawar,J.

Mayank Singh, Advocate has filed Vakalatnama on behalf of the opposite party no.2, which is taken on record. Heard learned counsel for the applicants, learned A.G.A. for the State and learned counsel for the opposite party no.2 as well as perused the record.

The petition seeks quashing of the impugned charge-sheet no. 1 and 2018 dated 16.1.2018 arising out of Case Crime No. 0222 of 2017 under Section 147, 323, 504, 506 I.P.C., Section 3(1) (Da)(Dha) SC/ST Act, Section 2/3 Prevention of Damage to Public Property Act, 1984, Police Station Bakshi Ka Talab, District Lucknow which has been filed before the learned Special Judge S.C./S.T. Act, Lucknow and the entire criminal proceedings of Special Trial No. 142 of 2019 (State vs. Maqsood Khan and others).

Learned counsel for the parties submit that the applicants and opposite party no.2 have amicably settled their dispute outside

the court vide compromise dated 19.8.2023, copy of which is on record as Annexure-8 to the application.

Further it has been submitted by learned counsel for the applicants that in compliance of order passed by this Court dated 28.8.2023 the compromise has been verified by the learned court concerned vide verification report dated 30.9.2023 which is on record as Annexure-9 to the application.

Learned counsel for opposite party no.2 concedes the argument made by learned counsel for the petitioners.

Learned counsel for the parties submits that in view of the judgments of Hon'ble Apex Court in B. S. Joshi and others versus State of Haryana and another :(2003) 4 SCC 675, Nikhil Merchant versus C.B.I. and another : (2008) 9 SCC 677, Manoj Sharma versus State and others : (2008) 16 SCC 1, Gian Singh versus State of Punjab: (2010) 15 SCC 118 and Narinder Singh and others versus State of Punjab and another: (2014) 6 SCC 466, the proceedings pending before learned trial court are liable to be quashed.

In view of the fact that the parties have settled their dispute outside the Court by way of compromise and from perusal of the record it appears that the compromise has been verified by court concerned and the verification report dated 30.9.2023 is on record as well as law laid down by the Hon'ble Supreme Court of India in the cases (supra), the present application is

allowed and the criminal proceedings (charge-sheet no. 1 and 2018 dated 16.1.2018 arising out of Cas Crime No. 0222 of 2017 under Section 147, 323, 504, 506 I.P.C., Section 3(1) (Da) (Dha) SC/ST Act, Section 2/3 Prevention of Damage to Public Property Act, 1984, Police Station Bakshi Ka Talab, District Lucknow which has been filed before the learned Special Judge S.C./S.T. Act, Lucknow and the entire criminal proceedings of Special Trial No. 142 of 2019 (State vs. Maqsood Khan and others) are hereby quashed.

Order Date :- 6.11.2023

Madhu