

Court No. - 28

Case :- APPLICATION U/S 482 No. - 11192 of 2023

Applicant :- Ram Saran @ Munshi @ Ram Saran Pandey And 4 Others

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

Counsel for Applicant :- Ram Bhawan Yadav,Dharmendra Kumar Tripathi,Vikas Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Shree Prakash Singh,J.

1. Sri Husain Ali, Advocate has put in appearance by filing Vakalatnama on behalf of opposite party no. 2 and the same is taken on record.

2. Heard Sri Vikas Pandey, learned counsel for the applicants, Sri Sushil Pandey, learned A.G.A. for the State, Sri Husain Ali, learned counsel for the opposite party no.2 and perused the record.

3. By means of the instant application, the applicants have prayed to quash the entire proceeding of Criminal case no. 305/2019 (State versus Ram Saran @ Munshi @ Ram saran Pandey and others) pending before the Session Judge, Gonda which is arise out FIR No. 162/2018, under section 147, 323, 504, 506, 427, 308 I.P.C., Police Station Chhapiya, District Gonda.

4. 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 05.07.2023. 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 26.10.2023, the verification was done and report has been submitted to this Court vide order dated 03.10.2023. 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. 162 of 2018 may be quashed.

5. Learned counsel for the opposite party no.2 has also supported the contention of the learned counsel for the applicants and submits that parties have amicable settled their

dispute and the opposite party no. 2 has no grievance, hence, criminal proceedings against the applicants may be dropped.

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

7. Considering the aforesaid submissions of the learned counsel for the parties, I find that compromise has been entered into between the parties on 05.07.2023 and said compromise has been verified on 26.10.2023 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. 162 of 2018.

8. In view of the above, as the applicants and opposite parties have entered into compromise on 05.07.2023 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.**

9. Accordingly, the entire proceeding of Criminal case no. 305/2019 (State versus Ram Saran @ Munshi @ Ram saran Pandey and others) pending before the Session Judge, Gonda which is arise out FIR No. 162/2018, under section 147, 323, 504, 506, 427, 308 I.P.C., Police Station Chhapiya, District Gonda are hereby quashed.

10. The compromise shall be part of this order.

11. The application is allowed accordingly.

12. Consigned to record.

Order Date :- 9.11.2023

Mayank