

Court No. - 28

Case :- APPLICATION U/S 482 No. - 11213 of 2023

Applicant :- Dhirendra Kumar

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

Counsel for Applicant :- Kshitij Singh

Counsel for Opposite Party :- G.A.

Hon'ble Shree Prakash Singh,J.

1. Ms. Soumya Singh, Advocate has put in appearance on behalf of opposite party no.2 by way of filing vakalatname and the same is taken on record.

2. Heard Mr. Kshitij Singh, learned counsel for the applicants, Mr. Vimal Pandey, learned A.G.A. for the State, Ms. Soumya Singh, 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 summoning order dated 23.07.2020 arising out of Case No.1925 of 2020 (State Vs. Dhirendra Verma) in Case Crime No.70 of 2019, under Sections 419, 420, 467, 468, 471, 406 IPC, Police Station- Sandhana, District-Sitapur as well as the chargesheet dated 28.06.2020 in the light of compromise dated 10.05.2022.

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 23.08.2023. 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 29.08.2023, the verification was done and report has been submitted to this Court vide order dated 28.09.2023. 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.70 of 2019 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 amicably 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 23.08.2023 and said compromise has been verified on 28.09.2023 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.70 of 2019.

8. In view of the above, as the applicants and opposite parties have entered into compromise on 23.08.2023 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, criminal proceedings with regard to Case No.1925 of 2020 (State Vs. Dhirendra Verma) in Case Crime No.70 of 2019, under Sections 419, 420, 467, 468, 471, 406 IPC, Police Station- Sandhana, District-Sitapur 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

-Amit K-