

Court No. - 12

Case :- APPLICATION U/S 482 No. - 11295 of 2023

Applicant :- Punnwasi @ Purnmasi

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt.
Civil Sectr. Lko. And 5 Others

Counsel for Applicant :- Rakesh Kumar Nayak

Counsel for Opposite Party :- G.A.,Manoj Kumar Shukla
(Amicus Curie)

Hon'ble Rajeev Singh,J.

1. In pursuance of earlier order, parties are present and they stated that they do not want to pursue their cases lodged against each other, therefore, time was granted, and today, joint affidavit has been filed by the parties, in which, they categorically stated that they are living peacefully and they do not want to prosecute each other any further.

2. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

3. Present application has been moved by the applicant for quashing the order dated 13.01.2023 passed by Civil Judge (J.D.) Fast Track Court/ J.M., Ambedkar Nagar in Criminal Case No.20702 of 2022 arising out of Case Crime No.138 of 2021 under Sections 147, 323, 504, 506, 452 I.P.C. (State of U.P. Vs. Shanker and Ors.), P.S. Bhati, District- Ambekdar Nagar.

4. Learned counsel for the applicant submitted that dispute between the parties has already been settled by way of a compromise and they do not want to pursue their cases any further, therefore, prosecution in question would be a futile one. He further relied on the decision of hon'ble Apex Court in the case of ***Ramawatar Vs. State of M.P. in Criminal Appeal No.1393 of 2011*** and requested that the impugned proceedings may be quashed.

5. Learned A.G.A. does not dispute on the statement given by the parties before this Court and the joint affidavit filed by the parties today.

6. Considering the submissions of learned counsel for the parties, going through the contents of application, as well as other relevant documents, the application is **allowed** and proceedings of Criminal Case No.20702 of 2022 arising out of Case Crime No.138 of 2021 under Sections 147, 323, 504, 506,

452 I.P.C. (State of U.P. Vs. Shanker and Ors.), P.S. Bhati, District- Ambekdar Nagar and the proceedings of Case Crime No.117/2021 under Sections 323, 324, 452, 504, 506 I.P.C., (State of U.P. Vs. Purnmasi and Ors.) P.S. Bhati, District- Ambedkar Nagar both pending before Civil Judge (J.D.) Fast Track Court/ J.M., Ambedkar Nagar are hereby **quashed** in terms of the joint affidavit filed today.

7. Joint Affidavit filed today shall be the part of this order.

8. Senior Registrar of this Court is directed to pay prescribed remuneration to Shri Manoj Kumar Shukla (Amicus Curie).

Order Date :- 15.12.2023

V. Sinha