

Court No. - 11

Case :- APPLICATION U/S 482 No. - 11474 of 2023

Applicant :- Nanakna @ Nanke And Another

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

Counsel for Applicant :- Harish Chandra

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

Sri Tauqueer Alam Advocate has put in appearance by way of filing Vakalatnama on behalf of opposite party no. 2 and filed his Vakalatnama, which is taken on record.

Heard learned counsel for the petitioner/applicant and learned AGA for the State as well as perused the record.

The present petition has been filed for the following main relief:-

"For the facts, reasons and circumstances stated in the accompanying affidavit, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to quash the entire proceedings of the Session Trial No. 37 of 2016 "State Versus Putti Lal and others" arising out of Case Crime No. 285 of 2012 Under Sections 323/504 I.P.C. and Section 3 (1) (X) S.C./S.T. Act Police Station-Malhipur, District-Shravasti pending in the Court of Additional Sessions Judge/Special Judge, S.C./S.T. Act, Shravasti as well as the impugned charge sheet dated 30.5.2012 bearing No.10 of 2012 contained in Annexure No.1 to the accompanying affidavit, in the interest of justice.

It is further prayed that this Hon'ble Court may graciously be pleased to stay the further proceedings of the Session Trial No. 37 of 2016 "State Versus Putti Lal and others" arising out of Case Crime No. 285 of 2012 Under Sections 323/504 I.P.C. and Section 3 (1) (X) S.C./S.T. Act Police Station-Malhipur, District- Shravasti pending in the Court of Additional Sessions Judge/Special Judge, S.C./S.T. Act, Shravasti, in the interest of justice."

On the basis of the submissions made by the learned counsel for the applicant, this Court vide order dated 25.05.2023 passed in Application U/S 482 No. 5271 of 2023, has referred the matter to the court below for the purpose of verification of the compromise entered into between the parties.

In compliance of earlier order of this Court dated 25.05.2023, the Additional District and Sessions Judge/Special Judge, S.C./S.T. Act, Shravasti, has verified the compromise on 06.10.2023, as appears from the Annexure No. 5, wherein it has been mentioned that the parties were present and they have admitted that they have entered into an agreement voluntarily and their signatures have been verified by their respective counsels before the court.

With regard to the prayer sought including quashing of criminal proceedings on the basis of compromise, the learned counsel for the applicants has placed reliance on the judgments of the Apex Court in the case of *Romgopal and others Vs. State of Madhya Pradesh, 2022 (1) SCJ 536, Gian Singh Vs. State of Punjab [2012 10 SCC 303], Mohd. Ibrahim Vs. State of U.P., 2022 SCC Online ALL 106, Gold Quest International Ltd. Vs. State of Tamilnadu, 2014 (15) SCC 235, B.S. Joshi Vs. State of Haryana, 2003 (4) SCC 675, Jitendra Raghuvanshi Vs. Babita Raghuvanshi, 2013(4) SCC 58, Madhavarao Jiwajirao Scindia Vs. Sambhajirao Chandrojirao Angre, 1988 1 SCC 692, Nikhil Merchant Vs. C.B.I. and another, 2008(9) SCC 677, Manoj Sharma Vs. State and others, 2008(16) SCC 1, State of M.P. Vs. Laxmi Narayan and others, 2019(5) SCC 688, Narindra Singh and others Vs. State of Punjab and another, (2014) 6 SCC 466, Manoj Kumar and others Vs. State of U.P and others (2008) 8 SCC 781, Union Carbide Corporation and others Vs. Union of India and others (1991) 4 SCC 584, Manohar Lal Sharma Vs. Principal Secretary and others (2014) 2 SCC 532 and Supreme Court Bar Association Vs. Union of India (1998) 4 SCC 409.*

Learned Additional Government Advocate could not dispute the fact that the compromise has been entered into between the parties and now the opposite parties do not want to proceed with charge-sheet No. 10/2012 as well as entire proceedings of S.T. No. 37/2016 arising out of Case Crime No. 285 of 2012, under Sections 323,504 IPC & Section 3(1)X of SC/ST Act, Police Station- Malhipur, District- Shravasti, pending before Additional Sessions Judge/ Special Judge, SC/ST Act, Shravasti.

Considering the submissions advanced by learned counsel for the parties and perusing the report dated 06.10.2023 as also taking note of the observations made by Hon'ble Apex Court in the judgments referred above and the nature of dispute/crime, which is essentially a matrimonial dispute, this Court is of the view that no purpose would be served in keeping the proceedings pending before the trial court and hence, entire proceedings of charge-sheet No. 10/2012 as well as entire proceedings of S.T. No. 37/2016 arising out of Case Crime No. 285 of 2012, under Sections 323,504 IPC & Section 3(1)X of SC/ST Act, Police Station- Malhipur, District- Shravasti, pending before Additional Sessions Judge/ Special Judge, SC/ST Act, Shravasti, are hereby quashed in terms of the compromise.

Accordingly, the present application U/S 482 Cr.P.C. is **allowed**.

Office is directed to send a copy of this order to the court concerned through email/fax immediately for necessary compliance.

Order Date :- 23.11.2023

Jyoti/-