

Court No. - 11

Case :- APPLICATION U/S 482 No. - 11492 of 2023

Applicant :- Holi @ Jamaluddin And 2 Others

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

Counsel for Applicant :- Rahil

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

Sri Shailendra Mishra 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:-

"(i) to quash the charge sheet dated 25.02.2014, order dated 27.03.2018, summoning order dated 10.09.2015 and entire proceedings in pursuance of Case Crime No. 15/2014, U/S- 323/324/504/506 & 307 I.P.C. Police Station Paraspur, District Gonda pending before Sessions Judge, Gonda as Session Trial No. 1353 of 2023."

With regard to the main prayer sought, the contention of learned Counsel for the applicants is to the effect that an FIR was lodged on account of dispute which was basically a civil dispute, which took place between the parties on 29.01.2014 and with regard to the same a FIR was lodged on 01.02.2014 and in the FIR against all the accused general allegations were levelled by the informant namely Babu Ali s/o Mangre alias Abdul Gani (opposite party no.2) and the same was lodged under Section 323/324/504/506 IPC and upon due consideration the Investigating Officer submitted the charge-sheet under Section 323/324/504/506 IPC and taking note of the same the accused were released on bail by the trial court itself. Thereafter the trial court after hearing learned Counsel for the parties framed the charges under Section 323/324/307/504/506 IPC and thereafter one of the accused namely Gulshan alias Gulshana wife of Nanka was taken into custody and she is in jail since 15.09.2022. Other accused approached this Court by means of application 482 No. 9714 of 2023 (Holi alias Jamaluddin and 2 others Versus State of U.P.), which was disposed of vide order dated 06.10.2023 and in terms of order dated 06.10.2023 the other accused have not been arrested till date. He further submitted that one of the accused namely Nanke s/o Mehbuba has already been expired and considering the fact that infact he was the main accused in the dispute which took place on 29.01.2014 and he is no more, the parties amicably settled their the dispute amicably and in terms of the order of the court dated 06.10.2023 the trial court has verified the compromise on 20.10.2023. He further submitted that in fact all the parties are 'Pattidar' and both the parties are neighbours. In these circumstances, the indulgence of this Court is required.

Sri Shilendra Mishra, learned Counsel for opposite party no.2/Babu Ali, submitted that amicable settlement would be in benefit of both the parties as the relationship between the two neighbour would continue and the parties have already settled their dispute amicably out of the court and they do not want to proceed in the matter. As such, the indulgence of this court is required in the matter.

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 dated 25.02.2014, order dated 27.03.2018, summoning order dated 10.09.2015 and entire proceedings in pursuance of Case Crime No. 15/2014, U/S-323/324/504/506 & 307 I.P.C. Police Station Paraspur, District Gonda pending before Sessions Judge, Gonda as Session Trial No. 1353 of 2023.

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.*

Considering the submissions advanced by learned counsel for the parties and perusing the report dated 20.10.2023 as also taking note of the observations made by Hon'ble Apex Court in the judgments referred above and the nature of dispute/crime, 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 dated 25.02.2014, order dated 27.03.2018, summoning order dated 10.09.2015 and entire proceedings in pursuance of Case Crime No. 15/2014, U/S-323/324/504/506 & 307 I.P.C. Police Station Paraspur, District Gonda pending before Sessions Judge, Gonda as Session Trial No. 1353 of 2023, 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 :- 24.11.2023

Jyoti/-