

Court No. - 28

Case :- APPLICATION U/S 482 No. - 11559 of 2023

Applicant :- Durgesh Kumar Shukla

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

Counsel for Applicant :- Shyamendra Singh, Praveen
Yadav, Tej Singh

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Jyotsna Sharma, J.

1. Shri Shyamendra Singh, learned counsel for the applicant and learned A.G.A. for the State- respondents are present. Shri Rana Pratap Singh, Advocate has filed Vakalatnama on behalf of opposite party no.2 and the same is taken on record.

2. Shri Durgesh Kumar Shukla, the applicant, identified by his Counsel Shri Shyamendra Singh and opposite party no.2 Pragati Shukla alias Pragati Mishra identified by her Counsel Shri Rana Pratap Singh are present in person.

3. It has been submitted on behalf of the applicant that it is indisputable that an Application under Section 482 no. 8729 of 2023; Durgesh Kumar Shukla vs. State of U.P. was filed earlier and that application was decided by this Court on 29.08.2023. The relevant paragraphs of order dated 29.08.2023 is quoted herein below:-

"6. Accordingly, this application is disposed of with a direction to the court concerned that if any such compromise is filed before it, it shall issue notices to all the signatories to the compromise requiring their personal presence and, thereafter, proceed to verify the compromise. If the aforesaid compromise is verified, a report to that effect shall be prepared by the court and the compromise will be made part of the record.

7. The court in that scenario will allow the parties to obtain certified copy of the report as well as compromise and it will be open to the applicants to approach this Court again for quashing of the proceedings. "

4. The certified copies of the compromise and the reports in the light of the order passed by this Court have also been filed, which are available on record. The certified copy of the order sheet drawn by the Court concerned have also been filed. Shri Rana Pratap Singh, learned counsel for opposite party no.2 accepts that such a compromise was entered in all the matters between the parties.

5. The applicant and opposite party no.2 appeared before the Court concerned and produced the compromise for verification and the said compromise deed was verified by the Court concerned vide order dated 30.09.2023.

6. Learned counsel for the applicant 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.

7. Learned Additional Government Advocate could not dispute the fact that the compromise has been entered into between the parties and now the opposite party no. 2 does not want to proceed with the proceedings in issue.

8. Since both the parties to the dispute have arrived at a compromise, in such a situation, the Court has inherent jurisdiction to pass a suitable order as may be necessary to prevent the abuse of process of law to secure the ends of justice.

9. Considering the submissions advanced by learned counsel for the parties and perusing the order of trial Court dated 30.09.2023 as also taking note of the observations made by Hon'ble Apex Court in the judgments referred above and the nature of dispute/crime, I am of the view that no purpose would be served in keeping the proceedings pending before the trial court and hence, the entire proceedings of Case No. 2120 of 2012, arising out of Case Crime No.332 of 2012, under Sections- 498-A, 323 I.P.C. & Sections 3/4 D.P. Act, Police Station- Krishna Nagar, District- Lucknow are hereby quashed in terms of the compromise.

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

Order Date :- 28.11.2023

Arnima