

Court No. - 12

Case :- APPLICATION U/S 482 No. - 11597 of 2023

Applicant :- Nand Kumar Singh

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

Counsel for Applicant :- Ajay Veer Singh

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

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

2. The present application has been filed for quashing the impugned charge sheet dated 15.09.2022 pertaining to F.I.R. No. 0249/2022 under Sections 323, 504, 506, I.P.C. & Section 3 (2) (va) of S.C./S.T. Act, Police Station- Raunahi, District- Ayodhya as well as impugned summoning order dated 22.11.2022 issued by the learned Special Judge, S.C./S.T. Act, Faizabad/Ayodhya (***State versus Nand Kumar Singh & others***).

3. On 29.11.2023 following order was passed:-

"1. Heard learned counsel for the applicant as well as learned A.G.A. for the State.

2. The present application has been filed for quashing the impugned charge-sheet dated 15.09.2022 vide F.I.R. No. 0249 of 2022 U/s 323, 504, 506 I.P.C., Section 3(2)(v) of SC/ST Act, Police Station- Raunahi, District- Ayodhya as well as impugned summoning order dated 22.11.2022.

3. Learned counsel for the applicant submits that due to sudden quarrel, some skirmish was taken place between the parties and cross cases were lodged against each other. He further submits that earlier proceeding was challenged in a cross case by the private respondent and other persons in Application U/s 482 Cr.P.C. No. 3370 of 2023, in which, the matter was referred to the Mediation Centre which was resolved successfully on 09.10.2023 between the parties. He further submits that the entire proceeding of Crl. Case No. 9127 of 2022 arising out of charge-sheet No. 196 of 2022 dated 13.07.2022 in pursuance of Case Crime No. 225 of 2022 U/s 147, 323, 504, 506 I.P.C., Police Station- Raunahi, District- Ayodhya was set aside vide order dated 01.11.2023 passed in above-mentioned application/petition. It is further submitted that in paragraph no. 16 of the aforesaid settlement agreement, it was also agreed by the parties that the private respondent will withdraw the impugned case filed against the applicants. It is, thus, submitted that the impugned proceedings may be quashed.

4. Learned A.G.A. opposes the prayer of applicant but he does not dispute

this fact that cross case has already been quashed by this Court as aforesaid on the basis of settlement agreement which was executed before the Mediation Centre of this court.

5. List this case on 14.12.2023.

6. On the next date, private respondent shall appear in person before this Court.

7. Station House Officer, Police Station- Raunahi, District- Ayodhya is directed to ensure the presence of private respondent- Vinod Kumar Rawat s/o Ram Kewal Rawat r/o Village- Pirkhauli, Mob. No. 9794854214 before this Court on the next date of listing."

4. In pursuance of aforesaid order, private respondent- Vinay Kumar Rawat along with Constable- Sunny Kumar, Police Station- Raunahi, District- Ayodhya is present today before this Court. He states that the issue has already been resolved between the parties in Mediation and Conciliation Centre of this Court by way of settlement agreement dated 09.10.2023, hence, he does not want to prosecute applicant. He also states that the impugned proceedings may be quashed.

5. Learned counsel for the applicant submits that the dispute has already been settled between the parties. He further submits that this Court vide order dated 10.04.2023 had referred the matter to the Mediation and Conciliation Centre of this Court where settlement agreement had arrived on 09.10.2023 between the parties, it is on record. The parties have amicably settled their dispute and further agreed to withdraw the cases going on between them. The said fact has been mentioned in para- 7 of the settlement agreement dated 09.10.2023.

6. Hon'ble Apex Court in catena of decisions has held that inherent power can be used to do real and substantial justice as has been held in ***Gian Singh Vs State of Punjab, 2012 AIR SCW 5333, B.S. Joshi and others Vs State of Haryana, (2003) 3 SCC 675 and Narinder Singh Vs State of Punjab, (2014) 6 SCC 466***. Hence, inherent power can be exercised to speed up the process of ending the criminal proceedings where the settlement is arrived at between the parties.

7. In view of the aforesaid and the fact that parties do not want to pursue the case any further, the matter has been mutually settled between the parties by way of the mediation, therefore, no useful purpose would be served in proceeding with the matter further.

8. Considering the facts and circumstances of the case and taking into account the settlement agreement arrived at between the parties on 09.10.2023 before the Mediation and Conciliation

Centre of this Court, the present application is **allowed** and the impugned charge sheet dated 15.09.2022 pertaining to F.I.R. No. 0249/2022 under Sections 323, 504, 506, I.P.C. & Section 3 (2) (va) of S.C./S.T. Act, Police Station- Raunahi District- Ayodhya and the impugned summoning order dated 22.11.2022 issued by the learned Special Judge, S.C./S.T. Act, Faizabad/Ayodhya (***State versus Nand Kumar Singh & others***) are hereby **quashed**.

9. The presence of private respondent and above-mentioned constable is hereby dispensed with.

10. Office is directed to communicate this order to trial court, forthwith.

Order Date :- 14.12.2023

Arpan