

Court No. - 12

Case :- APPLICATION U/S 482 No. - 11727 of 2023

Applicant :- Ram Sanehi Mishra And Another

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

Counsel for Applicant :- Rakesh Kumar Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Vakalatnama filed by Shri Rajesh Kumar, Advocate on behalf of the opposite party No.2 is taken on record.

2. Heard learned counsel for the applicants, learned A.G.A. for the State of U.P., learned counsel for the opposite party no.2 and perused the record.

3. This application under Section 482 Cr.P.C. has been filed with following prayer:-

"WHEREFORE it is most respectfully prayed that this Hon'ble Court may graciously be pleased to quashed/set aside proceedings of criminal case no.2301074/2012 arising out of case crime no. 607/2010 under section 452, 384, 323 IPC P.S. Biswan District Sitapur, in pursuance of charge sheet dated 03.08.2010, order of cognizance and summoning dated 05.02.2011 pending in the court of 2nd Additional Civil Judge Junior Division/ Judicial Magistrate Sitapur state versus Ram Saheni and another on the basis of compromise dated 28.08.2023 (Annexure no.2) entered into between petitioners who are accused and opposite party no.2 who is first informant of the case in the ends of justice.

It is further prayed that this Hon'ble Court may kindly be pleased to stay the proceedings of criminal case no. 2301074/2012 arising out of case crime no. 607/2010 under section 452, 384, 323 IPC P.S. Biswan District Sitapur, in pursuance of charge sheet dated 03.08.2010, order of cognizance and summoning dated 05.02.2011 pending in the court of 2nd Additional Civil Judge Junior Division/ Judicial Magistrate Sitapur state versus Ram Saheni and another in the ends of justice during pendency of this petition."

4. Learned counsel for the applicants as well as learned counsel for opposite party No.2 jointly submitted that vide order dated 20.09.2023, a direction was given to the trial court to verify the factum of compromise executed by the parties. In pursuance of the aforesaid order, learned trial court had verified the contents of compromise.

5. Learned counsel for the applicants and learned counsel for

opposite party no. 2 jointly submitted that the parties have entered into compromise, which has duly been verified by the trial court vide report/order dated 20.11.2023

6. Learned A.G.A. has fairly conceded that compromise has been effected between the parties and the same has duly been verified by the trial court.

7. 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.

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

9. For the discussions made above, the present application is **allowed** and proceedings of Criminal Case No.2301074 of 2012, (State versus Ram Saheni and another), arising out of Case Crime No. 607 of 2010 under section 452, 384, 323 IPC, P.S. Biswan, District Sitapur, in pursuance of charge sheet dated 03.08.2010, order of cognizance and summoning dated 05.02.2011 pending in the court of 2nd Additional Civil Judge Junior Division/ Judicial Magistrate Sitapur, are hereby **quashed**.

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

Order Date :- 2.12.2023

Raj