

Court No. - 12

Case :- APPLICATION U/S 482 No. - 11743 of 2023

Applicant :- Varun Kumae @ Deepu Yadav And 3 Others

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Civil Sectt. Lko And 2 Others

Counsel for Applicant :- Preeti Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Vakalatnama filed by Shri Narvind Kumar Singh, Advocate on behalf of the opposite party Nos.2 and 3 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 3 and perused the record.
3. The present application has been filed with following prayer:-

"अतः माननीय न्यायालय से प्रार्थना है कि अपराध संख्या -497/2018, अन्तर्गत धारा - 147, 323, 504, 452, 325, I.P.C. थाना- बिलग्राम, जिला- हरदोई में लिये गये प्रसंज्ञान आदेश दिनांकित-28.11.2022, सरकार बनाम वरुण कुमार यादव उर्फ दीपू आदि जो न्यायालय श्रीमान ए०सी०जे०एम० प्रथम, हरदोई के समक्ष लम्बित वाद सं०-28430/2022 में प्रचलित कार्यवाही (संग्रक सं० - 05 व 06) के आधार पर निरस्त/खण्डित/अपरास्त करने की कृपा करें।

यहाँ यह भी प्रार्थना है कि याची के विरुद्ध अपराध संख्या -497/2018, अन्तर्गत धारा - 147, 323, 504, 452, 325, I.P.C. थाना- बिलग्राम, जिला- हरदोई में लिये गये प्रसंज्ञान आदेश दिनांकित-28.11.2022, सरकार बनाम वरुण कुमार यादव उर्फ दीपू आदि जो न्यायालय श्रीमान ए०सी०जे०एम० प्रथम, हरदोई के समक्ष लम्बित वाद सं०-28430/2022 में प्रचलित कार्यवाही (संग्रक सं० - 2 व 3) को सुलहनामा व सुलहनामा तस्दीक आख्या (संग्रक सं० - 05 व 06) के आधार पर के आधार पर उपरोक्त याचिका के लम्बित रहने के दौरान स्थगित किये जाने का आदेश पारित करने की कृपा करें।

अग्रेतर माननीय न्यायालय से यह भी प्रार्थना है कि याची के हित में जो भी आदेश/निर्देश एवं अनुतोष न्यायहित में उचित हों वे भी पारित करने की कृपा करें।"

4. Learned counsel for the applicants as well as learned counsel for opposite party No.2 jointly submitted that vide order dated 19.10.2023 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 dated 07.11.2023.

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 the cognizance order dated 28.11.2022 and criminal proceeding of Criminal Case No.28430 of 2022, arising out of Case Crime No.497 of 2018 under Sections 147, 323, 504, 452, 325 I.P.C., Police Station-Bilgram, District-Hardoi are hereby **quashed**.

Order Date :- 2.12.2023

Raj