Court No. - 12

Case :- APPLICATION U/S 482 No. - 11902 of 2023

Applicant :- Rafik And 5 Others
Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt. Lko. And Another
Counsel for Applicant :- Deo Raj Singh
Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Vakalatnama filed by Mr. Vinay Kumar Mishra, Advocates on behalf of the opposite party Nos.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 for quashing the summoning order dated 19.12.2019 passed by Civil Judge (J.D.)/F.T.C., Lakhimpur Kheri in Case No.3223/2019 (new No.3827/2020) and charge-sheet dated 15.10.2019 in case crime no.28 of 2019, u/s 498-A, 323, 504, 506 IPC and 3/4 of D.P. Act.

4. Learned counsel for the applicants as well as learned counsel for opposite party No.2 jointly submitted that vide order dated 04.10.2023 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 27.10.2023.

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 summoning order dated 19.12.2019 passed by Civil Judge (J.D.)/F.T.C., Lakhimpur Kheri in Case No.3223/2019 (new No.3827/2020) and charge-sheet dated 15.10.2019 in case crime no.28 of 2019, u/s 498-A, 323, 504, 506 IPC and 3/4 of D.P. Act are hereby **quashed.**

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

Order Date :- 7.12.2023
V. Sinha

Digitally signed by :-
VAISHALI SINHA
High Court of Judicature at Allahabad,
Lucknow Bench