

Court No. - 11

Case :- APPLICATION U/S 482 No. - 11992 of 2023

Applicant :- Nisar Khan

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

Counsel for Applicant :- Pawan Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

-Sri Rahul Agnihotri learned Advocate, has put in appearance by way of filing Vakalatnama on behalf of opposite party no. 2 and filed his Vakalatnama, which is taken on record.

Heard learned counsel for the applicant, learned AGA for the State of U.P. and gone through the record.

The present application under Section 482 Cr.P.C. has been filed for the following main relief:-

" For the facts, reasons and circumstances stated in the accompanying Affidavit, it is respectfully prayed that this Hon'ble court may kindly be pleased to quash the entire proceeding of Criminal Case No.256/2018 (State Versus Nisar), pending before learned Civil Judge (Junior Division)/ Fast Tract Court, Shrawasti, arising out of charge sheet dated 27.08.2017 (Charge Sheet No. 180/2017), pertaining to Case Crime No.1093/2017, Under section- 323,506,494,498(A) I.P.C., & Section-3/4 D.P.Act at Police Station-Malhipur, District-Shrawasti, including Summoning/Cognizance order dated 19.01.2018, as contained in Annexure No.2 & 3 respectively to this petition, in terms of the compromise deed dated 25.09.2023 and its verification report dated 19.10.2023.

It is further prayed that this Hon'ble Court may kindly be pleased to stay the further proceedings of Criminal Case No.256/2018 (State Versus Nisar), pending before learned Civil Judge (Junior Division)/ Fast Tract Court. Shrawasti arising out of charge sheet dated 27.08.2017 (Charge Sheet No.180/2017) pertaining to Case Crime No.1093/2017, Under section- 323,506,494,498 (A) I.P.C., & Section-3/4 D.P.Act at Police Station- Malhipur, District-Shrawasti during pendency of the instant petition, in the interest of justice.."

It is stated that after considering the averments made in the Application U/S 482 No. 9636 of 2023 and the documents on record as also the submissions made by the learned counsel for the applicants, this Court vide order dated 05.10.2023 referred the matter to the trial court for the purpose of verification of the compromise entered into between the parties and a perusal of the order dated 19.10.2023 of the trial court (Annexure No.6) would show that parties have settled their dispute as such the prayer

sought in the present application be acceded in the light of Settlement Agreement/compromise.

With regard to acceding the prayer sought in the present application on the basis of compromise/settlement, the 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.

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.

Considering the submissions advanced by learned counsel for the parties and the report dated 19.10.2023 of trial court as also taking note of the observations made by Hon'ble Apex Court in the judgments referred above and the nature of dispute/crime, this Court is of the view that no purpose would be served in keeping the proceedings pending before the trial court and hence, the same are hereby quashed.

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

Office is directed to send a copy of this order to the court concerned through email/fax immediately for necessary compliance.

Order Date :- 11.12.2023

Jyoti/-