Court No. - 11

Case :- APPLICATION U/S 482 No. - 12473 of 2023

Applicant :- Uttam Agarwal And Another
Opposite Party :- State Of U.P. Thru. Prin. Secy. Deptt. Of Home, Lko. And Another
Counsel for Applicant :- Akhilash Kumar Singh
Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

Vakalatnama filed by Sri Praveen Kumar Singh, Advocate on behalf of opposite party No.2 is taken on record.

Heard learned counsel for the applicants, 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 by the applicants for the following main relief:-

"WHEREFORE, it is most respectfully prayed that this Hon'ble Court may kindly be pleased a quash the impugned Charge sheet bearing No.205/2013 dated 13.12.2013 as well as Charge sheet bearing No.205A/2015, dated-12.05.2015 filed in case Crime No.461/2013, Under Section-420/467/468/471/506 I.P.C. P.S.-Gomtinagar, Lucknow and the summoning order dated 11.05.2017 and 07.09.2018 respectively passed by learned Court below as contained in Annexure Nos. 1 & 2 to this petition.

It is further prayed that this Hon'ble Court may kindly be pleased to stay the further proceedings of the case bearing No. 16695/2017 namely State Versus Sunita Agrawal & another Under Section-420/467/468/471/506 I.P.C. P.S.-Gomtinagar, Lucknow pending before the court of Chief Judicial Magistrate, Lucknow till pending disposal of the instant petition."

It is stated that this Court vide order dated 18.08.2023 passed in APPLICATION U/S 482 No. - 8129 of 2023 referred the matter to the trial court for the purposes of verification of the compromise entered into between the parties.

It is further stated that in compliance of earlier order of this Court dated 18.08.2023, the order dated 29.08.2023 regarding verification of compromise has been passed by the Court concerned, mentioning therein that the parties were present and they have admitted that they have entered into an agreement voluntarily and their signatures have been verified by their respective counsels before the court.

For the purposes of deciding the present application in the light

of compromise, reliance has been placed on the judgments of the Apex Court passed in the case(s) 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.

After considering the submissions advanced by learned counsel for the parties and perusing the terms of compromise duly verified by the trial Court vide dated 29.08.2023 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 in terms of the compromise.

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 :- 20.12.2023
Vinay/-

Digitally signed by :-
VINAY KUMAR
High Court of Judicature at Allahabad,
Lucknow Bench