

Court No. - 12

Case :- APPLICATION U/S 482 No. - 12487 of 2023

Applicant :- Dr. Shaharyar Khan @ Mohd. Shaharyar Khan And Others

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Of Home, Lko. And Another

Counsel for Applicant :- Karunesh Singh, Ram Sumiran Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

1. Vakalatnama filed by Shri Vijay Pratap Singh, Advocate on behalf of respondent no. 2 is taken on record.
2. Heard learned counsel for the applicants as well as learned A.G.A. for the State and learned counsel appearing for respondent no. 2.
3. The present application has been filed with a prayer to quash the entire proceedings of Case No. 19560 of 2016 (State Vs. Dr. Shaharyar Khan & Ors.) arising out of Case Crime No. 223 of 2015, under Sections 498A, 323, 504, 506 I.P.C. and Section 3/4 D.P. Act, P.S. Hussainganj, District Lucknow as well as proceedings of Complaint Case No. 1172 of 2016 (Mohd. Shaharyar Khan Vs. Smt. Sadiya Ruhi & Ors.), under Sections 406, 323, 504, 506 I.P.C., P.S. Hussainganj, District Lucknow.
4. Learned counsel for the applicants and learned counsel for opposite party no. 2 jointly submit that in pursuance of the earlier order dated 10.10.2023 passed in Application u/s 482 No. 9784 of 2023, the matter was sent before the court below for verification of the compromise deed.
5. It is evident from the record that the factum of the compromise has been verified by the court below vide his report dated 01.11.2023. The compromise deed is appended as Annexure 2 to the application, which goes to show that respondent no. 2 does not want to prosecute the applicant.

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

7. Hon'ble Apex Court, in catena of decisions, viz., **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**, has held that inherent power can be used to do real and substantial justice. 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 fact that parties do not want to pursue the case any further and the matter has been mutually settled between the parties by way of the compromise, no useful purpose would be served in proceeding with the matter any further.

9. For the discussions made above, the present application is allowed.

10. Entire proceedings of Case No. 19560 of 2016 (State Vs. Dr. Shaharyar Khan & Ors.) arising out of Case Crime No. 223 of 2015, under Sections 498A, 323, 504, 506 I.P.C. and Section 3/4 D.P. Act, P.S. Hussainganj, District Lucknow as well as proceedings of Complaint Case No. 1172 of 2016 (Mohd. Shaharyar Khan Vs. Smt. Sadiya Ruhi & Ors.), under Sections 406, 323, 504, 506 I.P.C., P.S. Hussainganj, District Lucknow are hereby quashed.

11. Office is directed to send a copy of this order to the court concerned, forthwith.

Order Date :- 20.12.2023
VKS