Court No. - 11

Case :- APPLICATION U/S 482 No. - 12596 of 2023

Applicant :- Anupam Mishra And 5 Others
Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko. And Another
Counsel for Applicant :- Bhupendra Nath Tripathi
Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

Vakalatnama filed by Sri Naved Alam, 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 for the following main relief:-

"Wherefore, it is most respectfully prayed that this Hon'ble court may kindly be pleased to set aside/ quash the entire criminal proceeding of Criminal Case No. 55911 of 2016, State of U.P. Vs Anupam Mishra, pending in the court Civil Judge (J.D.)/F.T.C. Court No.50 Lucknow, arising out of Case Crime No. 63 of 2016, Under Section-498-A, 63 504, 506, 323, 406 I.P.C and 3/4 D.P. Act, Police Station-Mahila Thana, District-Lucknow in terms of the compromise dated 10-08-2023 and verification report dated 06-11-2023, as contained in Annexure No.1 and 2 respectively to this petition."

It is stated that this Court vide order dated 27.10.2023 passed in APPLICATION U/S 482 No. - 10477 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 27.10.2023, the order dated 06.11.2023 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 order dated 06.11.2023 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 :- 22.12.2023
Vinay/-

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