

Court No. - 11

Case :- APPLICATION U/S 482 No. - 12577 of 2023

Applicant :- Shyam Alias Shyam Lal

Opposite Party :- State Of U.P. Thru. Secy. Home Civil Sectt.
U.P. Lko. And 2 Others

Counsel for Applicant :- Mohammad Irfan Siddiqui

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

Heard.

The present petition has been filed with following prayer:-

"Wherefore, it is most respectfully prayed that this Hon'ble court may graciously be pleased to quash the entire proceedings on the basis of compromise of the impugned S.T. No. 595 of 2008, Case Crime No. 310 of 2007, Under Section 363, 366, 376, I.P.C. & 3 (1) XII, S.C./S.T. Act, Police station Banthra, District- Lucknow, State versus Shyam alias Shyam Lal, pending in the special judge SC & ST. Act, District- Lucknow, impugned charge sheet dated 08.02.2008, cognizance order dated 19.03.2008 and its consequential order in the respect of petitioner, contained as Annexure no. 2 & 3 respectively."

It is stated by the learned counsel for the applicant that the applicant had approached this Court by means of the application under Section 482 CrPC No.10522 of 2023, (Shyam Alias Shyam Lal vs. State of U.P. and others), and this Court after considering the facts and circumstances of the case including the fact that the opposite party No.2 (Victim) and the applicant solemnized marriage on 02.10.2007 subsequently, registered on 04.12.2007 as also the statement recorded before the concerned court under Section 164 CrPC disposed of the application with liberty to the applicant to file compromise deed before the trial court and the trial court was directed to verify the same and sent a report to this Court and liberty was also granted to the applicant to approach this Court based upon the compromise.

He also submitted that the trial court has now verified the compromise vide order dated 04.12.2023. As such, taking note

of the entire circumstances of the case, the present petition is liable to be allowed. Consequently, the entire criminal proceedings are liable to be quashed/set aside.

With regard to the prayer sought including quashing of criminal proceedings on the basis of compromise, the learned counsel for the applicants 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.**

He also placed reliance on the judgment of Hon'ble Apex Court passed in **Criminal Appeal No.105 of 2021 (arising out of SLP (CRIMINAL) No.6289 of 2020), (Vishwas Bhandari vs. State of Punjab and Another).**

Learned Additional Government Advocate could not dispute the aforesaid submission of the learned counsel for the applicant and the observations of the Hon'ble Apex Court in the various judgments referred above.

Considering the submissions advanced by learned counsel for the parties and perusing the report of trial Court dated 04.12.2003 as also taking note of the fact that the marriage between the applicant and opposite party No.2 was solemnized on 02.10.2007 and both are living happily as also the observations made by Hon'ble Apex Court in the judgments,

referred above and the nature of 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/Registry is directed to send the copy of this order to concerned court forthwith.

Order Date :- 21.12.2023

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