

Court No. - 11

Case :- APPLICATION U/S 482 No. - 12677 of 2023

Applicant :- Atul Kumar Gupta And 6 Others

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Of Home Lko. And 2 Others

Counsel for Applicant :- Pankaj Kumar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

Shri Adarsh Kumar Tripathi, Advocate, has filed his vakalatnama on behalf of opposite party No.2, which is taken on record.

The present application under Section 482 CrPC has been filed by the applicant for quashing the entire criminal proceedings of Complaint Case No.896 of 2023, (Jogendra Singh vs. Atul Kumar Gupta and others) pending in the court of 1st Additional Civil Judge, (Junior Division), District-Gonda based upon the compromise dated 30.11.2023.

It is stated by the counsel for the side opposite that earlier the applicants approached this Court by means of an Application under Section 482 CrPC No.5319 of 2016 and this Court after considering the facts and circumstances of the case including that on account of putting some earth from the side of opposite party No.2, the dispute arose and thereafter, an FIR was lodged from the side of applicants as Case Crime No.220 of 2013 under Section 147, 148, 149, 307, 504, 506, 323, 120B IPC and Section 7 of Criminal Law Amendment Act at P.S. Mankapur, District-Gonda in which the chargesheet dated 13.07.2014 was filed and thereafter, in counterblast, the complaint case, in issue, was filed by the opposite party No.2 leveling several allegations including allegation to attract offence under Section 392 and in terms of the order of this Court dated 17.10.2023, the trial court verified the compromise, as would appear from the order dated 30.11.2023 of trial case. As such in terms of the same, the present petition is liable to be allowed for the prayer sought in the application.

Further submission is that the criminal case instituted by

lodging an FIR in the year 2013 from the side of applicant had already been quashed based upon the compromise by this Court vide order dated 19.05.2023 passed in Application U/s Section 482 No. 4980 of 2023.

It is further stated that in view of the aforesaid, it is apparent that the parties have settled the dispute which essentially was a civil dispute and to which a criminal colour was given and in this view of the matter and taking note of the compromise entered between the parties and verified by the trial court as also the criminal case instituted by the applicant had already been quashed, the present application be allowed and proceedings of complaint case be quashed.

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.**

Learned Additional Government Advocate could not dispute the fact that the compromise has been entered into between the parties and now the opposite parties do not want to proceed further for quashing the entire criminal proceedings of Complaint Case No.896 of 2023, (Jogendra Singh vs. Atul

Kumar Gupta and others) pending in the court of 1st Additional Civil Judge, (Junior Division), District-Gonda based upon the compromise dated 30.11.2023.

Considering the submissions advanced by learned counsel for the parties and perusing the report dated 30.11.2023 submitted by trial court as also taking note of the observations made by Hon'ble Apex Court in the judgments referred above, this Court is of the view that no purpose would be served in keeping the proceedings pending before the trial court and hence, the further proceedings of Complaint Case No.896 of 2023, (Jogendra Singh vs. Atul Kumar Gupta and others) pending in the court of 1st Additional Civil Judge, (Junior Division), District-Gonda based upon the compromise dated 30.11.2023., are hereby quashed in terms of the compromise.

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

Order Date :- 22.12.2023/Raj