

Court No. - 11

Case :- APPLICATION U/S 482 No. - 12738 of 2023

Applicant :- Kamlesh Kumar Mishra

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home, Lko. And Others

Counsel for Applicant :- Anil Kumar Sharma, Km Nirmala Devi, Kushboo Singh

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania, J.

Mr. Vivek Kumar Srivastava Advocate has put in appearance by way of filing Vakalatnama on behalf of opposite party nos. 2 to 7 and filed her Vakalatnama, which is taken on record.

Heard.

The present application under Section 482 Cr.P.C. has been filed for the following main relief:-

"For the facts, reasons and circumstances stated in the accompanying affidavit, it is most respectfully prayed that this Hon'ble Court may kindly be pleased to quash the entire proceedings of Case, bearing Chargesheet No.- 490/2009, dated 29.09.2009 filed in Case Crime No. 870/2009 U / S -406,420, 506 IPC, Police Station- Hazratganj, District - Lucknow, pending in the Court of Learned C.J.M., Lucknow, (State Vs. Kamlesh Kumar) and for quashing of entire proceeding of Case No.- 13249/09, Case Crime No. 870/2009 U/S 406, 420, 506 IPC, Police Station- Hazratganj, District - Lucknow as contained in Annexure No.-1 to this affidavit on the basis of compromise between the parties which was duly verified by the Learned Chief Judicial Magistrate, Lucknow, vide order dated 13.12.2023, through Annexure No.-4 to this affidavit, in pursuance of order dated 05.12.2023, passed by this Hon'ble Court in A-482 No. 11800 of 2023, Kamlesh Kumar Mishra Vs State of UP & 6 Others."

It is stated that after considering the averments made in the present application and the documents on record, this Court vide its order dated 05.12.2023 passed in Application U/S 482 No. 11800 of 2023, has referred the matter to the trial court for the purpose of verification of the compromise entered into between the parties and a perusal of the order dated 13.12.2023 passed by the trial court (Annexure No.4) would show that parties have settled their dispute as such the prayer sought in the present application be acceded in the light of Settlement Agreement/compromise.

With regard to acceding the prayer sought in the present application on the basis of compromise/settlement, the learned counsel for the applicant 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 party no. 2 does not want to proceed with the proceedings in issue.

Considering the submissions advanced by learned counsel for the parties and the order dated 13.12.2023 of trial court 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 is hereby quashed.

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

Jyoti/-