

Court No. - 13

Case :- APPLICATION U/S 482 No. - 2531 of 2024

Applicant :- Dharmendra Tiwari And 2 Others

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

Counsel for Applicant :- Anil Kumar Mishra, Akhilesh Kumar Mishra, Arvind Kumar Pathak

Counsel for Opposite Party :- G.A., Rang Nath Misra

Hon'ble Rajeev Singh, J.

1. Heard.

2. The instant application has been filed by the applicants with following prayer:-

"To quash the entire proceedings of the Criminal Case No. 7056 of 2009 "State Versus Shivanand Tiwari and others" arising out of Case Crime No. 181 of 2009 under Sections 427, 323, 352, 504, 506 I.P.C., Police Station- Rajesultanpur, District- Ambedkar Nagar pending in the Court of Additional District and Sessions Judge, F.T.C.-1, Ambedkar Nagar and impugned summoning order dated 16.11.2023 as well as impugned charge-sheet dated 20.4.2009."

3. In pursuance of earlier order, the parties, namely, Dharmendra Tiwari, Sarveh Upadhyaya and Shriniwas (applicants) and Tarkeshwar (private respondent) are present today before this Court. They have been duly identified by their respective counsel. They have jointly stated that the issue has already been resolved between them.

4. The private respondent has also stated that he does not want to prosecute the applicants, hence, proceedings may be quashed.

5. Learned counsel for the applicants and learned counsel for the private respondent jointly concede the fact that the issues have already been resolved between the parties.

6. Considering the submissions of learned counsel for the parties as well as statements of the parties and going through the contents of the application including other relevant documents, it is evident that the issue has already been resolved between the parties and now the private respondent does not want to prosecute the applicants. In such circumstances, the trial would be futile one.

7. In view of above, this application is ***allowed***. The entire proceedings of the Criminal Case No. 7056 of 2009 "State Versus Shivanand Tiwari and others" arising out of Case Crime No. 181 of 2009 under Sections 427, 323, 352, 504, 506 I.P.C., Police Station- Rajesultanpur, District- Ambedkar Nagar pending in the Court of Additional District and Sessions Judge, F.T.C.-1, Ambedkar Nagar and impugned summoning order dated 16.11.2023 as well as impugned charge-sheet dated 20.4.2009 are hereby ***quashed***.

Order Date :- 18.12.2024

Arpan