

Court No. - 12

Case :- APPLICATION U/S 528 BNSS No. - 126 of 2024

Applicant :- Rahul And 2 Others

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

Counsel for Applicant :- Amit Tewari, Pawan Kumar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania, J.

Shri Shyam Bahadur Singh, learned Advocate has put in appearance by way of filing Vakalatnama on behalf of complainant/opposite party No.2 and filed his Vakalatnama, which is taken on record.

Heard learned counsel for the applicant, 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 *quashing/setting aside the charge sheet dated 22.07.2024, relating to Case Crime No.0321/2024, under Sections 333, 115(2), 352, 351(2), 117(2) of BNS, 2023, Police Station Gangaghat, District Unnao as well as for quashing of the impugned summoning order dated 02.09.2024, passed by the learned Chief Judicial Magistrate, Unnao in Case No.20839 of 2024.*

It is stated that after considering the averments made in the Application U/S 528 BNSS No.38/2024 and the documents on record as also the submissions made by the learned counsel for the applicant, this Court vide order dated 04.10.2024 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 14.11.2024 of the trial court (Annexure No.5) 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 parties does not want to proceed with the proceedings in issue.

Considering the submissions advanced by learned counsel for the parties and the order dated 14.11.2024 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 are 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 :- 18.12.2024

ML/-