

Court No. - 13

Case :- APPLICATION U/S 482 No. - 11795 of 2024

Applicant :- Gulshan Kumar And 6 Others

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

Counsel for Applicant :- Basant Pandey, Devansh Vikram Singh

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

1. Vakalatnama filed by Shri Ankit Tiwari, Advocate on behalf of the opposite party No.2 is taken on record.

2. Heard learned counsel for the applicants, learned A.G.A. for the State of U.P., learned counsel for the opposite party no.2 and perused the record.

3. This application under Section 482 Cr.P.C. has been filed with following prayer:-

"WHEREFORE, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to quash/set-aside the entire proceedings as well as any consequential proceedings arising out of the Session Case No. 03/2024, (State v. Gulshan kumar), pending before the court of the learned Session Judge Barabanki, under Sections 498-A, 323, 313, 354-B, 506 IPC and Sections 3, 4 of the Dowry Prohibition Act, 1861.

It is further prayed that the impugned summoning order dated 03.11.2023, passed by the learned District Judge, Barabanki, in Case No. 03/2024, (State v. Gulshan kumar), may also be quashed in the interest of justice.

It is further prayed the impugned chargesheet bearing no. No.01/2023(A793/2023), dated 02-10-2023, filed under 498-A, 323, 313, 354-B, 506 IPC and Sections 3, 4 of the Dowry Prohibition Act, 1861 may also be quashed in the interest of justice."

4. Learned counsel for the applicants as well as learned counsel for opposite party No.2 jointly submitted that vide order dated 23.10.2024, a direction was given to the trial court to verify the factum of compromise executed by the parties. In pursuance of the aforesaid order, learned trial court had verified the contents

of compromise.

5. Learned counsel for the applicants and learned counsel for opposite party no. 2 jointly submitted that the parties have entered into compromise, which has duly been verified by the trial court vide report/order dated 28.11.2024.

6. Learned A.G.A. has fairly conceded that compromise has been effected between the parties and the same has duly been verified by the trial court.

7. Hon'ble Apex Court in catena of decisions has held that inherent power can be used to do real and substantial justice as has been held in *Gian Singh Vs State of Punjab, 2012 AIR SCW 5333, B.S. Joshi and others Vs State of Haryana, (2003) 3 SCC 675 and Narinder Singh Vs State of Punjab, (2014) 6 SCC 466*. Hence, inherent power can be exercised to speed up the process of ending the criminal proceedings where the settlement is arrived at between the parties.

8. In view of the aforesaid and the fact that parties do not want to pursue the case any further, the matter is purely of personal nature, which has been mutually settled between the parties by way of the compromise, therefore, no useful purpose would be served in proceeding with the matter further.

9. For the discussions made above, the present application is **allowed**. The entire proceedings including consequential proceedings arising out of the Session Case No. 03/2024, (*State v. Gulshan kumar*), pending before the court of the learned Session Judge Barabanki, under Sections 498-A, 323, 313, 354-B, 506 IPC and Sections 3, 4 of the Dowry Prohibition Act, 1861 as well as the impugned summoning order dated 03.11.2023 passed by the learned District Judge, Barabanki in Case No. 03/2024, (*State v. Gulshan kumar*), and the impugned charge-sheet bearing no. No.01/2023 (A793/2023) dated 02.10.2023, filed under 498-A, 323, 313, 354-B, 506 IPC and Sections 3, 4 of the Dowry Prohibition Act are hereby **quashed**.

10. Office is directed to communicate this order to learned trial Court, forthwith.

Order Date :- 20.12.2024

Arpan