Court No. - 28

Case :- APPLICATION U/S 482 No. - 6543 of 2024

Applicant :- Santosh Kumat Tripathi And 3 Others
Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko. And Another
Counsel for Applicant :- Sachin Kumar Mishra
Counsel for Opposite Party :- G.A.,Irshad Ali

Hon'ble Brij Raj Singh,J.

1. Heard learned counsel for the applicants, learned A.G.A. for the State-opposite party no.1 and Sri Syed Suleman Awas, holding brief of Sri Irshad Ali, learned counsel for the opposite party no.2.

2. The present application under Section 482 Cr.P.C. (as now U/S 528 of B.N.S.S.) has been filed for quashing of the impugned summoning orders dated 13.07.2023 and 11.09.2023 passed by learned Chief Judicial Magistrate, Lucknow as well as Charge sheet dated 31/12/2022 in Case Crime No.0231/2022, under Sections 323, 406, 420 and 506 IPC at Police Station - Gomti Nagar extension, District - Lucknow, pending in the court of Chief Judicial Magistrate, Lucknow.

3. This Court vide order dated 25.07.2024 directed the parties to appear before the Mediation & Conciliation Centre of this Court on 20.08.2024 for settlement of their dispute through mediation.

4. In compliance of the aforesaid order, the parties lastly appeared before the Mediation & Conciliation Centre of this Court on 12.11.2024 and the Mediators have submitted its report dated 12.11.2024 vide Mediation Case No.644 of 2024, which is on record. The report of the Mediators dated 12.11.2024 indicates that the mediation was successfully completed.

5. Sri Syed Suleman Awas, holding brief of Sri Irshad Ali, learned counsel for the opposite party no.2, has also submitted that the dispute between the parties has been amicably settled through mediation.

6. Considering the aforesaid facts and circumstances of the issue in question, particularly, the fact that the present applicants and the opposite party no.2 have settled the dispute through mediation and the report to this effect has been made part of the record, therefore, compelling the

prosecution to prosecute the present applicants would be a futile exercise and in view of the dictum of Hon'ble Supreme Court rendered in re: **B.S. Joshi and others Vs. State of Haryana and Another; 2003 (4) SCC 675**, **Gian Singh vs. State of Punjab (2012) 10 SCC 303**; **State of Rajasthan vs. Shambhu Kewat, (2014) 4 SCC 149**; **State of Madhya Pradesh vs. Deepak (2014) 10 SCC 285**; **State of Madhya Pradesh vs. Manish (2015) 8 SCC 307**; **J.Ramesh Kamath vs. Mohana Kurup (2016) 12 SCC 179**; **State of Madhya Pradesh vs. Rajveer Singh (2016) 12 SCC 471**; **Parbatbhai AAhir vs. State of Gujarat (2017) 9 SCC 641**, the entire proceedings of the aforesaid criminal case are hereby **quashed**. The mediation report dated 12.11.2024 submitted by the Mediators vide Mediation Case No.644 of 2024 would be the part of this order.

7. However, the Senior Registrar of this Court is directed to disburse the amount deposited in compliance of order of this Court to the opposite party no.2 and appropriate application to this effect would be filed by or on his behalf before the Senior Registrar. Liberty is also given to the opposite party No.2 to file appropriate application before the competent court of law if the terms and conditions of mediation are flouted.

8. The petition is, therefore, **allowed**.

9. No order as to costs.

Order Date :- 11.12.2024
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Digitally signed by :-
RABINDRA KUMAR
High Court of Judicature at Allahabad,
Lucknow Bench