

Court No. - 2

Case :- APPLICATION U/S 482 No. - 23891 of 2019

Applicant :- Umesh @ Babboo Tiwari And Another

Opposite Party :- State Of U.P. And Another

Counsel for Applicant :- Dharendra Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Suneet Kumar,J.

Sri Umesh Kumar Shukla, learned counsel has put in appearance on behalf of the opposite party no. 2.

Affidavit on behalf of opposite party no. 2 in support of their joint compromise has been filed today, is taken on record.

Heard learned counsel for the applicants, Sri Umesh Kumar Shukla, learned counsel for the opposite party no. 2 and learned A.G.A. for the State and perused the record.

The instant application has been filed seeking quashing the charge-sheet dated 5.5.2017 and entire proceedings of Case No. 930 of 2018 (State vs. Umesh @ Babbo Tiwari and another) arising out of Case Crime No. 21 of 2017 under Section 354B, 323, 506 IPC, P.S. Shahabganj, District Chandauli pending before Judicial Magistrate, Chakia, Chandauli.

It has been contended by learned counsel for the applicants that the applicants and opp. party no.2 are resident of the same village and there was some dispute between them. He further submits that both the parties have settled their dispute and entered into a compromise, copy of which has been annexed at pages 51-52 of the application, hence the proceeding against the applicants be quashed.

Learned counsel for the applicants in support of his contention has placed reliance on the judgment of Apex Court in the case of **Manoj Sharma Vs. State, (2008)16 SCC1, B.S. Joshi Vs. State of Haryana & others, (2003) 4 SCC 675 and Gian Singh Vs. State of Punjab & another, (2012)10 SCC 303** and has submitted that the applicants and opp. party No.2 have compromised the dispute and as such opp. party No.2 does not want to press the present case against the applicants.

From the perusal of the record it is apparent that parties have entered in to compromise and have settled their dispute amicably.

In this regard the view taken by the Apex court in the case of **B.S. Joshi** (supra) and **Gian Singh versus State Of Punjab** (supra) which has been relied upon by the learned counsel for the applicants finds force that this court in exercise of its inherent power under section 482 Cr.P.C. can quash the proceeding as the dispute has been amicably settled between the parties.

Hence, considering the facts and circumstances of the case and nature of offence the proceeding of the aforesaid case is hereby quashed.

It is made clear that opp. party no.2, if have any grievance against this order, she may move an appropriate application within three months from today.

The present 482 Cr.P.C. application stands allowed.

Order Date :- 28.6.2019

S.Prakash