

Court No. - 27

Case :- APPLICATION U/S 482 No. - 2798 of 2024

Applicant :- Vaibhav Mishra

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko.
And 3 Others

Counsel for Applicant :- Dr. Ajai Pratap Singh
Chauhan, Kunwar Samitinjay Singh

Counsel for Opposite Party :- G.A., Vinay Pandey

Hon'ble Subhash Vidyarthi, J.

1. Counter affidavit filed by learned counsel for the opposite party no.2 to 4 is taken on record.
2. Heard learned counsel for the applicant, the learned A.G.A. for the State and Sri Vinay Pandey, the learned counsel for the opposite party nos. 2, 3 and 4.
2. The instant application has been filed under Section 482 Cr.P.C, seeking quashing of the impugned charge sheet no. 0123 of 2016 dated 18.08.2016 arising out of Case Crime No. 199/2016, under Sections 452, 323, 504 I.P.C, Police Station Ataria, District Sitapur as well as the entire criminal proceedings of Criminal Case (C.I.S.) No. 2208061 of 2016, which is pending before the court of Additional Chief Judicial Magistrate-II, Sitapur.
3. The quashing of the proceedings has been sought on the ground that the parties have entered into a compromise on 12.03.2024, original copy of the compromise has been annexed with the affidavit.
4. The F.I.R was lodged on 09.08.2016 stating that the accused persons had assaulted two persons. Copies of the medico legal examination report of two victims indicates that the injury suffered by them were simple in nature. It has been stated in the compromise that the dispute between the parties was personal in nature and it did not affect public peace and tranquility.
5. The learned counsel for the opposite party nos. 2 to 4 has also supported the factum of compromise and has given his consent for proceedings being quashed on the basis of compromise.
6. Considering the ratio laid down by the Supreme Court in the cases of **B. S. Joshi and others versus State of Haryana and another : (2003) 4 SCC 675, Nikhil Merchant versus C.B.I. and another : (2008) 9 SCC 677, Manoj Sharma versus**

State and others : (2008) 16 SCC 1, Gian Singh versus Station of Punjab: (2010) 15 SCC 118 and Narinder Singh and others versus State of Punjab and another: (2014) 6 SCC 466, it would be appropriate in the facts and circumstances of the case to quash the criminal proceedings as continuance of the criminal proceedings would be an exercise in futility.

7. In view of the fact that the parties have settled their dispute by way of compromise arrived at between the parties and the law laid down by the Supreme Court of India, the present petition is **allowed** and the charge sheet no. 0123 of 2016 dated 18.08.2016 arising out of Case Crime No. 199/2016, under Sections 452, 323, 504 I.P.C, Police Station Ataria, District Sitapur as well as the entire criminal proceedings of Criminal Case (C.I.S.) No. 2208061 of 2016, which is pending before the court of Additional Chief Judicial Magistrate-II, Sitapur are hereby quashed.

Order Date :- 29.3.2024

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