

Court No. - 34

Case :- APPLICATION U/S 482 No. - 7191 of 2024

Applicant :- Ibne Haidar And 8 Others

Opposite Party :- State Of U.P. And 7 Others

Counsel for Applicant :- Sanjay Kr. Srivastava

Counsel for Opposite Party :- Ayush Srivastava,G.A.

Hon'ble Chandra Kumar Rai,J.

1. Supplementary affidavit filed on behalf of the applicants, is taken on record.

2. Heard Sri Sanjay Kr. Srivastava, learned counsel for the applicants, Sri Shushil Kumar Pandey, Advocate holding brief of Sri Ayush Srivastava, learned counsel for the opposite party nos. 2 to 8 and learned AGA for the State/opposite party no. 1.

3. The instant application under section 482 Cr.P.C. has been for quashing the entire proceeding of S.T. No. 62 of 2017 (State Vs. Ibne Haidar & others) Case Crime No. 28 of 2016, u/s 147, 148, 149, 452, 323, 324, 325, 427, 307, 308, 34 IPC, P.S. Kithore, District Meerut for the charge sheet dated 04.04.2016 and its order of cognizance dated 11.04.2016 (Against applicant no. 1) as well as S.T. No. 963 of 2019 (State Vs. Akeel Haidar & others), Case Crime No. 28 of 2016, u/s 147, 148, 149, 323, 324, 325, 504, 506, 307, 308, 452, 427, 34 IPC, P.S. Kithore, District Meerut for the charge sheet dated 19.04.2019 and its order of cognizance dated 25.06.2019 (Against the applicant nos. 2 to 9), pending before the court of learned Additional Sessions Judge, Court No. 3, Meerut.

4. Brief facts of the case are that the opposite party no. 2 lodged an FIR on 24.01.2016 against the applicants and others in case crime no. 28/2016 u/s 147, 148, 149, 323, 324, 325, 504, 506, 307, 308, 452, 327, 34 IPC, Police Station- Kithore, District Meerut in respect of the incident which is alleged to take place on 24.01.2016. On the basis of the aforementioned F.I.R., the investigation was conducted and chargesheet was submitted on 04.04.2016/ 19.04.2019, accordingly, cognizance was taken on

11.04.2016/25.06.2019. The trial proceeding has been initiated as S.T. No.62 of 2017/963 of 2019. During pendency of the aforementioned proceeding, parties have settled their dispute and entered into compromise. The copy of the compromise application dated 29.09.2023 is annexed along with the instant application as annexure no. 6 which was jointly filed by the parties as well as verified by the court concerned. The earlier Application 482 Cr.P.C. No. 41927 of 2023 filed at the instance of the applicants was disposed of vide order dated 23.11.2023 directing the trial court to verify the compromise recording statement of the parties and permitted the applicants to approach this Court again for quashing of the proceeding.

5. Counsel for the applicants submitted that in view of the compromise taken place between the parties on 29.09.2023 as well as verified by the court, the proceeding of the aforementioned case is liable to be quashed. He further placed reliance upon the judgment of Hon'ble Apex Court reported in **(2019) 5 SCC 688 State of Madhya Pradesh Vs. Laxmi Narayan & others** in order to demonstrate that if the parties have entered into compromise then continuance of the criminal proceeding may not be in the interest of justice even the offence are non-compoundable. He further placed reliance upon the judgment of Hon'ble Apex Court reported in **(2014) 6 SCC 466 Narinder Singh Vs. State of Punjab**, and submitted that in view of the ratio of the law laid down by the Hon'ble Apex Court the proceeding of the aforementioned case be quashed.

6. Learned AGA has opposed the prayer of the applicants made in the instant application but he could not dispute the ratio of law laid down upon the Hon'ble Apex Court in the aforementioned cases.

7. Learned counsel appearing for opposite party nos. 2 to 8 submitted that proceeding of the case be quashed as parties have entered into compromise.

8. I have considered the argument advanced by the counsel for the parties and perused the record.

9. The verification report of Additional District & Session Judge Court No. 3 Meerut will be relevant for perusal which is as under:-

"समझौतानामा

उपरोक्त सत्र परीक्षण संख्या 62/2017 सरकार इब्ने हैदर आदि धारा - 147,148,149,323,324,325,504,506,307,308,452,427,34 आई०पी०सी० मु०अ०सं० 28/2016 थाना किठौर में मा०हाईकोर्ट इलाहाबाद के आदेश दिनांक 23.11.2023 प्रार्थना पत्र 482 संख्या 41927/2023 के अनुपालन में अभियुक्तगणों-1-इब्ने हैदर पुत्र बन्ने हैदर 2- अकील हैदर पुत्र इब्ने हैदर 3- अमीर हैदर पुत्र बन्ने हैदर 4- वजीर हैदर पुत्र बन्ने हैदर 5- कम्बर उर्फ जलाल पुत्र वजीर हैदर 6- निसार हैदर पुत्र बन्ने हैदर 7- रजा हैदर पुत्र बन्ने हैदर 8- हैदर मेहदी पुत्र इब्ने हैदर 9- हिलाल अब्बास पुत्र वजीर हैदर द्वारा समझौता नामा प्रस्तुत किया गया। वादी मुकदमा आसिफ अली भी उपस्थित है। समझौतानामा समस्त अभियुक्तगणों/पक्षकारों द्वारा पढ़कर सुनाकर, समझ कर तसदीक किया गया। अभियुक्तगणों को उनके विद्वान अधिवक्ता श्री चौधरी मोहम्मद आरिफ व वादी मुकदमा आसिफ अली को उनके विद्वान अधिवक्ता श्री आजम जमीर एड० द्वारा शिनाख्त किया गया।

ह० अपठनीय

अपर जिला एवं सत्र न्यायाधीश

कोर्ट सं०-3 मेरठ।"

10. It is also relevant to mention here that after filing of compromise the statement of injured Sikandar Abbas, injured Nasir Ali, first informant Asif Ali were recorded before the Court Concerned on 16.01.2024 which are also relevant for perusal, the same are as under:-

"एस०टी० नं० 62/2017 एवं 963/2019

दिनांकित 16.01.2024

बयान आसिफ अली पुत्र हसमत अली, उम्र 60 वर्ष, निवासी ग्राम ईसा पुर, थाना किठौर, जिला मेरठ का मुल निवासी (ONSA)

में मु०अ०सं० 28 दिनांकित 24.1.2016 अंतर्गत धारा 147,148,149,452,323,504,506,307,427,308/34 भा०दं०सं०, थाना किठौर, जिला मेरठ का वादी हूँ।

उपरोक्त मुकदमों में मुल्जिमान इब्ने हैदर पुत्र बन्ने हैदर, अखील हैदर पुत्र इब्ने हैदर, अमीर हैदर पुत्र बन्ने हैदर, वजीर हैदर पुत्र बन्ने हैदर, कम्बर उर्फ जलाल हैदर पुत्र वजीर हैदर, निसार हैदर पुत्र बन्ने हैदर, रजा हैदर पुत्र बन्ने हैदर, हैदर मेहदी पुत्र इब्ने हैदर, हिलाल अब्बास पुत्र वजीर हैदर आपसी समझौता हो गया

है। उक्त मुकदमों को इसी स्तर पर समझौते के आधार पर समाप्त कराना चाहता हूँ। आगे कोई कार्यवाही करना नहीं चाहता। पत्रावली पर कागज सं० 44 क/1-2 पर फैसला नामा दिनांकित 29.09.2023 देख लिया, सुन लिया और समझ लिया है। उक्त फैसला नामा की पृष्ठ सं० 2 पर प्वाइंट A और मेरे अंगूठे के निशान की शिनाख्त करता हूँ। उपरोक्त फैसला आपसी सहमति व रजामंदी से हुआ है मेरे ऊपर विपक्षी पक्ष का किसी भी तरह का कोई दबाव व लालच नहीं है। उपरोक्त फैसले की सभी शर्तें मान्य है और सभी शर्तें पूर्ण हो चुकी है।

सुनकर तस्दीक किया।

(जयेन्द्र कुमार)

अपर सत्र न्यायाधीश,

न्यायालय सं० 3, मेरठ"

.....

"एस०टी० नं० 62/2017 एवं 963/2019

दिनांकित 16.01.2024

बयान नासिर अली पुत्र हसमत अली, उम्र 55 वर्ष, निवासी ग्राम ईसा पुर, थाना किठौर, जिला मेरठ का मुल निवासी (ONSA)

मैं मु०अ०सं० 28 दिनांकित 24.1.2016 अंतर्गत धारा 147,148,149,452,323,504,506,307,427,308/34 भा०दं०सं०, थाना किठौर, जिला मेरठ का चोटिल/साक्षी हूँ।

उपरोक्त मुकदमों में मुल्जिमान इबने हैदर पुत्र बन्ने हैदर, अखील हैदर पुत्र इबने हैदर, अमीर हैदर पुत्र बन्ने हैदर, वजीर हैदर पुत्र बन्ने हैदर, कम्बर उर्फ जलाल हैदर पुत्र वजीर हैदर, निसार हैदर पुत्र बन्ने हैदर, रजा हैदर पुत्र बन्ने हैदर, हैदर मेंहदी पुत्र इगने हैदर, हिलाल अब्बास पुत्र वजीर हैदर आपसी समझौता हो गया है। उक्त मुकदमों को इसी स्तर पर समझौते के आधार पर समाप्त कराना चाहता हूँ। आगे कोई कार्यवाही करना नहीं चाहता। पत्रावली पर कागज सं० 44 क/1-2 पर फैसला नामा दिनांकित 29.09.2023 देख लिया, सुन लिया और समझ लिया है जो सही है। उक्त फैसला नामा की पृष्ठ सं० 2 पर उपरोक्त फैसला आपसी सहमति व रजामंदी से हुआ है मेरे ऊपर विपक्षी पक्ष का किसी भी तरह का कोई दबाव व लालच नहीं है। उपरोक्त फैसले की सभी शर्तें मान्य है और सभी शर्तें पूर्ण हो चुकी है।

सुनकर तस्दीक किया।

(जयेन्द्र कुमार)

अपर सत्र न्यायाधीश,

.....

"एस०टी० नं० 62/2017 एवं 963/2019

दिनांकित 16.01.2024

बयान सिकन्दर अब्बास पुत्र आसिफ अली, उम्र 27 वर्ष, निवासी ग्राम ईसा पुर, थाना किठौर, जिला मेरठ का मुल निवासी (ONSA)

में मु०अ०सं० 28 दिनांकित 24.1.2016 अंतर्गत धारा 147,148,149,452,323,504,506,307,427,308/34 भा०दं०सं०, थाना किठौर, जिला मेरठ का चोटिल/साक्षी हूँ।

उपरोक्त मुकदमों में मुल्जिमान इबने हैदर पुत्र बन्ने हैदर, अखील हैदर पुत्र इबने हैदर, अमीर हैदर पुत्र बन्ने हैदर, वजीर हैदर पुत्र बन्ने हैदर, कम्बर उर्फ जलाल हैदर पुत्र वजीर हैदर, निसार हैदर पुत्र बन्ने हैदर, रजा हैदर पुत्र बन्ने हैदर, हैदर मेंहदी पुत्र इगने हैदर, हिलाल अब्बास पुत्र वजीर हैदर आपसी समझौता हो गया है। उक्त मुकदमों को इसी स्तर पर समझौते के आधार पर समाप्त कराना चाहता हूँ। आगे कोई कार्यवाही करना नहीं चाहता। पत्रावली पर कागज सं० 44 क/1-2 पर फैसला नामा दिनांकित 29.09.2023 देख लिया, सुन लिया और समझ लिया है जो सही है। उक्त फैसला नामा की पृष्ठ सं० 2 पर उपरोक्त फैसला आपसी सहमति व रजामंदी से हुआ है मेरे ऊपर विपक्षी पक्ष का किसी भी तरह का कोई दबाव व लालच नहीं है। उपरोक्त फैसले की सभी शर्तें मान्य है और सभी शर्तें पूर्ण हो चुकी है।

सुनकर तस्दीक किया।

(जयेन्द्र कुमार)

अपर सत्र न्यायाधीश,

न्यायालय सं० 3,मेरठ"

11. "On the point of compromise between the parties in criminal cases following case law will be relevant:

(i) Gian Singh vs.State of Punjab and another (2012) 10 Supreme Court Cases 303

(ii) Narinder Singh and others Vs.State of Punjab and other (2014) 6 Supreme court cases 466

(iii) State of Madhya Pradesh vs. Laxmi Narayan and others (2019) 5 Supreme court cases 688.

12. In the case of **Gian Singh (Supra)** Hon'ble Supreme Court has held as follows in para no. 61 and 62:

"61. The position that emerges from the above discussion can be summarized thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz.: (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between thee a victim and the offender in relation to the offences under special statutes like b the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused

to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.

62. In view of the above, it cannot be said that B.S. Joshi ,Nikhil Merchants and Manoj Sharma were not correctly decided. We answer the reference accordingly. Let these matters be now listed before the Bench(es) Concerned."

13. In the Case of **Narinder Singh (supra)** Hon'ble Supreme Court has held as follows in para No.29:

29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

29.1. Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.

29.2. When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in a such cases would be to secure: (i) ends of justice, or (ii) to prevent

abuse of the process of any court. While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

29.3. Such a power is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for the offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.

29.4. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

29.5. While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.

29.6. Offences under Section 307 IPC would fall in the category of heinous and serious offences and therefore are to be generally treated as crime against the society and not against the individual alone. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to proving the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delicate parts of the body, nature of weapons used, etc. Medical report in respect of injuries suffered by the victim can generally

be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the Settlement and quash the criminal proceedings whereas in the latter case it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship.

29.7. While deciding whether to exercise its power under Section 482 of the Code or not, timings of settlement play a crucial role. Those cases where the settlement is arrived at immediately after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/investigation. It is because of the reason that at this stage the investigation is still on and even the charge-sheet has not been filed. Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits and to come to a conclusion as to whether the offence under Section 307 IPC is committed or not. Similarly, in those cases where the conviction is already recorded by the trial court and the matter is at the appellate stage before the High Court, mere compromise between the parties would not be a ground to accept the same resulting in acquittal of the offender who has already been convicted by the trial court. Here charge is proved under Section 307 IPC and conviction is already recorded of a heinous crime and, therefore, there is no question of sparing a convict found guilty of

such a crime."

14. In the case of **State of Madhya Pradesh Vs. Laxmi Narayan (Supra)** Hon'ble Supreme Court has held as follows in para No. 15.1 to 15.4:

"15.1 That the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;

15.2. Such power is not to be exercised in those prosecutions which involved heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society;

15.3 Similarly, such power is not to be exercised for the offences under the special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender;

15.4 Offences under Section 307 IPC and the Arms Act etc. would fall in the category of heinous and serious offences and therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under Section 307 IPC and/or the Arms Act etc. which have a serious impact on the society cannot be quashed in exercise of powers under Section 482 of the Code, on the ground that the parties have resolved their entire dispute amongst themselves. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to framing the charge under Section

307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paragraphs 29.6 and 29.7 of the decision of this Court in the case of Narinder Singh (supra) should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove"

15. This Court in the case reported in 2023 SCC online All 61 Jhabbu Dubey Versus State of U.P. and others has also quashed the proceeding of criminal case arising out of section 308 IPC along with other sections including section 3(1)(10) of the SC/St Act on the basis of compromise arrived at between the parties considering the aforementioned judgment of Hon'ble Apex Court. Paragraph no. 15, 16, 17, 18 & 19 of the judgment rendered in **Jhabbu Dubey (Supra) will be relevant for perusal which are as under:-**

15. Though the list is not exhausted but these are the basic tests on which the settlement is to be tested between the parties.

16. Taking the guidance from above guidelines of Hon'ble Apex Court and comparing the facts of the present cases, the nature, gravity of the offence in which charge sheet has been submitted by the police, more particularly the contesting parties belong to same village, reside either in the neighbourhood or nearby, and out of a sheer fit of anger some heated passion or altercation took place which resulted into an act of offensive by the accused against the complainant. After lapse of time the contesting parties themselves feel like that they have to reside in the same village for their remaining life with the intervention of elders and sane people of the society, adhering to the cardinal principle of forget and forgive, in a cool and composite mind, they have decided to settle down the issue forever.

17. We are in our 75th year of independence, a mature democracy where there is sufficient spread of education

system even in rural areas and there is sufficient amount of awareness among all the stratas of the society including persons belonging to SC/ST community. In addition to this, there is upsurge of electronic media, social media even in the remote areas of our villages, the people are now more aware and vigilant about their rights, powers and duties. The situation is improving slowly but steadily, even in the rural areas, and therefore, there is steep rise in lodging of the criminal cases by the members of Scheduled Caste/ Scheduled Tribes community. It is also a welcome step that the parties are readily accepting the compromise between them on various accounts viz : resides in same village or in close vicinity; relationship between them for generations; inter-dependence etc. are cooling factors. These are the circumstances where the role of law courts should be act as a catalyst between them to bury their disputes and differences, instead of keep the matter linger on for an unlimited period permitting the animosity between them more firm and irrevocable. Long drawn enmity sometimes give a disastrous result to the general peace and tranquility of the society, and thus, it is expected from the law courts to act in a pro-active way and after evaluating and taking into account the above mentioned factors, try to bury the differences for good in larger interest of the society.

18. In all above mentioned four cases, the penal provisions involved are u/s 147, 323, 324, 427, 504, 506, 342, 308 and other allied sections of I.P.C and Section 3(1) (द) & (घ) of SC/ST Act. The parties on their own have decided to come to truce and bury their differences amicably. This Court in exercise of its plenary power u/s 482 of Criminal Procedure Code or Section 14(A)-1 of SC/ST Act have seen the covenants of the compromise and gauged the nature and gravity of the offence, in which the accused persons charged for, and this Court has no hesitation or objection to quash the proceedings of aforementioned cases in the light of compromise between the contesting parties for attaining the larger good and welfare of society. As mentioned above, the law courts should act in a pro-active way with the hope and trust that nothing untoward may happen in future between the parties and, thus, in the light of the above discussion these Criminal Appeals u/s 14A(1) of the

SC/ST Act and Applications u/s 482 Cr.P.C. are ALLOWED, and the impugned orders and proceedings of respective cases, whose details are given herein below :-

(i) Charge sheet dated 7.6.2022, cognizance order dated 4.7.2022 and entire proceeding in S.S.T. No.265 of 2022 (State Vs. Jhabbu Dubey @ Pradeep Kumar Dubey), pending in the court of Special Judge (SC/ST) Act, Lalitpur, arising out of Case Crime No.76 of 2022, u/s 324, 504 I.P.C. and 3(1)(द) & (ध) of SC/ST Act, P.S.-Jakhaura, District Lalitpur.

(ii) Impugned order dated 10.5.2022 passed by the Special Session Judge, SC/ST Act, Jhansi as well as entire criminal proceeding of Special Case No.1578 of 2019 (State Vs. Vishwanath and another), arising out of Case Crime No.114 of 2019, u/s 323, 504, 506 I.P.C. and Section 3(1) (द) & (ध) of SC/ST Act, Police Station-Moth, District -Jhansi.

(iii) charge sheet No.89/2021 dated 01.06.2021, cognizance order dated 29.7.2021 as well as entire criminal proceeding of Case No.672 of 2021 (State vs. Dharmendra @ Bauwa Bajpai and another), arising out of Case Crime No.44/2021, u/s 342, 323, 308 I.P.C. and 3(1)(द) of SC/ST Act, Police Station Chaubepur, District Kanpur Nagar, pending in the court of Additional District/Session Judge, Court No.2/Special Judge (SC/ST Act), Kanpur Dehat.

(iv) Entire proceeding of Special Session Trial No.134 of 2022 (State vs. Bhajuram & others), arising out of Case Crime No.152 of 2014, u/s 147, 323, 504, 427 I.P.C. & Section 3(1)(10) of the SC/ST Act, Police Station Puranderpur, District Maharajganj, pending in the court of learned Special Judge, SC/ST Act, Maharajganj.

19. The above mentioned impugned charge sheets, orders or proceedings pending against the respective appellants/applicants before the concerned courts are hereby QUASHED.

16. Learned Counsel for applicants and opposite party nos. 2 to 8 are present before this Court and submitted that the charge sheet including the proceedings of the case be

quashed on the basis of compromise entered into the parties being resident of same village and community as well as relative also.

17. Considering the facts of the present case including the injury report of the injured who have even entered into compromise and principle of law laid down by Hon'ble Supreme Court as well as of this Court as mentioned above, proceeding of aforementioned criminal case should be quashed as the parties have resolved their entire dispute amongst themselves through compromise duly filed and verified by the Court.

18. In view of the discussion made above, it would be unnecessary to drag these proceedings, as continuation of the criminal proceeding despite settlement and compromise would amount to abuse of process of law accordingly, the instant application under Section 482 Cr.P.C. is allowed on the basis of compromise dated 29.09.2023 as verified by the Court. The entire proceeding of S.T. No. 62 of 2017 (State Vs. Ibne Haidar & others) Case Crime No. 28 of 2016, u/s 147, 148, 149, 452, 323, 324, 325, 427, 307, 308, 34 IPC, P.S. Kithore, District Meerut for the charge sheet dated 04.04.2016 and its order of cognizance dated 11.04.2016 (Against applicant no. 1) as well as S.T. No. 963 of 2019 (State Vs. Akeel Haidar & others), Case Crime No. 28 of 2016, u/s 147, 148, 149, 323, 324, 325, 504, 506, 307, 308, 452, 427, 34 IPC, P.S. Kithore, District Meerut for the charge sheet dated 19.04.2019 and its order of cognizance dated 25.06.2019 (Against the applicant nos. 2 to 9), pending before the court of learned Additional Sessions Judge, Court No. 3, Meerut is hereby quashed. No order as to costs.

Order Date :- 20.6.2024
Nisha/C.Prakash