

Court No. - 84

Case :- APPLICATION U/S 482 No. - 24480 of 2022

Applicant :- Bipin Preet Singh And Another

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Varad Nath

Counsel for Opposite Party :- G.A.,Shubham Agarwal

Hon'ble Rajiv Gupta,J.

Heard learned counsel for the applicants, Shri Shubham Agrawal, learned counsel for first informant and learned AGA for the State and perused the record.

This application under Section 482 Cr.P.C. has been filed with the prayer to quash the entire criminal proceeding of case no. 5181/2015, arising out of case crime no. 615 of 2015, under section 420 and 411 I.P.C. read with section 65 and 66 of the Information Technology Act 2000 in view of settlement agreement dated 27.5.2022, pending in the court of C.J.M, Etah.

Learned counsel for the applicants has submitted that on account of a trivial dispute between the parties, the present criminal case was initiated against the applicants. During the pendency of aforesaid proceeding, both the parties with the intervention of respected members of the society, have amicably settled all their dispute and differences in order to maintain harmonious and cordial relations between them and a settlement-agreement was drawn between them, which is annexed as Annexure No. 7 to this application.

This Court vide order dated 5.9.2022 has directed the parties to appear before court below and file the compromise deed who shall verify the same and submit its report. Consequent to the said order dated 5.9.2022, the parties appeared before court below and the court below after making due verification of the compromise deed submitted a report dated 23.11.2022, the certified copy of which has been filed today by the learned counsel for the applicants, which is taken on record and shall form part of this application.

Learned counsel for the applicants has next submitted that in view of the compromise made between the parties which has been duly verified

by the court below in presence of the parties, the entire proceeding be quashed to give it a quietus so that hereinafter the parties may have cordial and harmonious relationship.

Learned counsel for O.P. No.2 has also appeared and has acknowledged the said compromise and further stated that now in terms of the compromise, O.P. No.2 does not want to further pursue the instant criminal proceedings and has no objection if the entire proceedings against the applicants are quashed.

This Court is not unmindful of the judgement of the Hon'ble Apex Court in the case of Narindra Singh and others Vs. State of Punjab, (2014) 6 SCC 466, wherein Hon'ble Apex Court has categorically held that compromise can be made between the parties even in respect of certain cognizable and non compoundable offences. Reference may also be made to the decision given by this Court in Shaifullah and others Vs. State of U.P. and another [2013 (83) ACC 278], in which the law expounded by the Apex court in the aforesaid cases has been explained in detail.

Considering the facts and circumstances of the case, as noted herein above, and also the submissions made by the counsel for the parties, the court is of the considered opinion that no useful purpose shall be served by prolonging the proceedings of the above mentioned case.

Accordingly, the entire proceedings of case no. 5181/2015, arising out of case crime no. 615 of 2015, under section 420 and 411 I.P.C. read with section 65 and 66 of the Information Technology Act 2000 in view of settlement agreement dated 27.5.2022, pending in the court of C.J.M, Etah are hereby quashed.

This application under Section 482 Cr.PC is accordingly allowed. There shall be no order as to costs.

Order Date :- 21.12.2022

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