
(2016) 02 AHC CK 0180
In the Allahabad High Court
Case No : Application No. 47851 of 2014.

Kailash Prasad Kapoor and others	Vs	APPELLANT
State of U.P. and another		RESPONDENT

Date of Decision : 18-02-2016

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 389, 406, 419, 420, 467, 468, 471, 504, 506

Citation : (2016) 94 ACrC 123 : (2016) 116 ALR 817

Hon'ble Judges : Rajesh Dayal Khare, J.

Bench : Single Bench

Advocate : Ashwini Kumar Awasthi and Manish Tiwary, Advocates, for the Appellant; Govt. Advocate, Ashish Gupta, Advocate, for the Respondent

Final Decision : Allowed

Judgement

Rajesh Dayal Khare, J. - Heard learned counsel for the applicants, Sri Ashish Gupta, learned counsel for the opposite party no.2 and learned A.G.A. for the State.

2. The present 482 Cr.P.C. petition has been filed for quashing the proceedings of Case No. 2000 of 2014 arising out of Case Crime No. 77 of 2013, under Sections 419, 420, 467, 468, 471, 406, 389, 504, 506 IPC, police station Chetganj, district Varanasi pending in the Court of Additional Chief Judicial Magistrate, Court No.-IX, Varanasi.

3. Vide earlier order of this Court dated 25.11.2014 the matter was referred to the mediation centre and the interim settlement agreement of the mediation centre dated 06.2.2015 is on record whereby it was agreed that the applicant No. 3 will deposit Rs. 20,000/- per month in the bank account of Smt. Chandra Kiran Devi in the last week of every month and the said agreement has been acted upon by the applicants as the amount is being regularly deposited by the applicant No. 3. Learned counsel for the applicants has placed reliance on the judgment of Apex Court in the case of Manoj Sharma v. State, (2008) 16 SCC 1,

Narinder Singh v. State of Punjab, (2014) 6 SCC 466, Yogendra Yadav v. State of Jharkhand (2014) and has submitted that since the matter has been compromised between the parties amicably, hence no fruitful purpose would be served if the prosecution of the applicants in the present case is allowed to go on as no grievance is left to the opp. party no.2.

4. The aforesaid fact has been admitted by the learned counsel for the opposite party No. 2, who states that the matter has been settled between the parties and the opposite party No. 2 does not want to proceed further with the matter.

5. In view of the fact that the parties do not want to pursue the case any further as stated by them and as the matter is purely of personal nature which has been mutually settled between the parties, in view of the compromise deed dated 06.2.2015 therefore, no useful purpose would be served in proceeding with the matter further.

6. Thus, in view of the well settled principles of law as laid down by the Hon''ble Apex Court reported in 2003(4) SCC 675 (B.S. Joshi v. State of Haryana, Manoj Sharma v. State, (2008) 16 SCC 1, Narinder Singh v. State of Punjab, (2014) 6 SCC 466 and Yogendra Yadav v. State of Jharkhand reported in (2014), Nikhil Merchant v. Central Bureau of investigation and another, J.T., 2008(9) SC 192 the proceedings of the aforesaid case is hereby set aside.

7. The present application is accordingly allowed.