

(2009) 12 AHC CK 0206

In the Allahabad High Court

Case No : Criminal Miscellaneous Application No. 27237 of 2008

Nasir Khan and others

APPELLANT

Vs

State of U.P. and others

RESPONDENT

Date of Decision : 10-12-2009

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 420, 467, 468, 471

Citation : (2009) 12 AHC CK 0206

Hon'ble Judges : D.R.Azad, J

Final Decision : Disposed Of

Judgement

D.R. Azad, J.

1. Heard learned Counsel for the applicants, learned A.G.A. for the State and perused the material placed on record.

2. This Criminal Misc. Application under section 482, Cr. P.C. has been filed with a prayer to quash the chargesheet dated 13.5.2003 in Criminal Case No. 8027 of 2003 under sections 420, 467, 468 and 471, I.P.C. Police Station Izzamagar, District Bareilly pending in the Court of Chief Judicial Magistrate, Bareilly.

3. Vide order dated 3.7.2009, after hearing Counsel for the applicant and the learned A.G.A., this Court was pleased to refer the matter to the Mediation and Conciliation Centre and it is further ordered that till then, no coercive steps shall be taken against the applicant in Criminal Case No. 8027 of 2003 under sections 420, 467, 468 and 471, I.P.C. Police Station Izzamagar, District Bareilly pending in the Court of Chief Judicial Magistrate, Bareilly.

Vide report dated 9.8.2009 of Mediation and Conciliation Centre, it is clear that the parties have entered into compromise and there is no dispute and differences between the parties and all disputes and differences have been amicably settled by the parties through the process of Mediation and Conciliation Centre.

4. Learned Counsel for the applicant placed reliance on the observations made by the Apex Court in the case of B.S. Joshi v. State of Haryana and another, 2003 (46) ACC 779 (SC) = 2003 (5) AIC 42 (SC) and in the case of Ruchi Agrawal v. Amit Kumar Agrawal and others 2005 (51) ACC 217 (SC) = 2005 (25) AIC 14 (SC). The Hon"ble Apex Court quashed the proceedings of criminal case on the basis of the compromise filed between the parties mainly on the ground that no lawful purpose would be served by continuance of the proceedings between the parties.

5. In view of the above decisions of the Hon"ble Apex Court, the proceedings of Criminal Case No. 8027 of 2003 under sections 420, 467, 468 and 471, I.P.C. Police Station Izzatnagar, District Bareilly pending in the Court of Chief Judicial Magistrate, Bareilly is hereby quashed.

6. Learned Counsel for the applicant is directed to produce certified copy of this order before the Chief Judicial Magistrate, Bareilly for information and its compliance within a period of 15 days from the date a certified copy of this order is produced before him.

7. With the aforesaid direction, this application is disposed of finally.