

**(2012) 06 AHC CK 0053**  
**In the Allahabad High Court**

Om Prakash and Others

APPELLANT

Vs

State of U.P. and Another

RESPONDENT

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**Date of Decision :** 29-06-2012

**Acts Referred:**

**Citation :** (2012) 06 AHC CK 0053

**Hon'ble Judges :** Ramesh Sinha, J

**Final Decision :** Allowed

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### **Judgement**

Ramesh Sinha, J.—Sri Lavkush Kumar, Advocate has filed Vakalatnama on behalf of the opposite party no.2, the same is taken on record.

Heard Sri J.P.S. Jadaun, learned counsel for the applicants, Sri Lakush Kumar, learned counsel appearing on behalf of opposite party no.2 and learned A.G.A. for the State.

2. This 482 Cr.P.C. application has been filed with a prayer to quash order dated 26.5.2012 passed by the Chief Judicial Magistrate, Aligarh as well as the entire proceedings of Complaint Case No. 4464 of 2002 (Rakesh Chauhan Versus Om Prakash and others) under Sections 379, 467, 468, 471 & 506, I.P.C. pending in the Court of Chief Judicial Magistrate, Aligarh.

3. It has been contended by learned counsel for the applicants that earlier a 482 Cr.P.C. application was filed by the applicants before this Court being Criminal Misc. Application No. 5629 of 2009 challenging the proceedings of aforesaid complaint case in which the proceedings was stayed by this Court but thereafter on 13.12.2010 since the said petition could not marked by the counsel for the applicants informing the Court that the matter is still surviving, it was dismissed as infructuous. Thereafter an application was moved by the complainant opposite party no.2 through his counsel along with an affidavit. In paragraph 3 of the said affidavit filed along with the application, it has been stated that the parties have settled their dispute outside the Court without any due influence and there is no dispute alive between the parties. The said application was dismissed by the

Magistrate by the impugned order dated 26.5.2012 insisting that the applicants should appear and surrender before the Court and first apply for bail.

4. Sri Lavkush Kumar, learned counsel for the opposite party no.2 has also admitted the said fact of moving of application by opposite party no.2 along with an affidavit on 26.5.2012 and has stated that the contents of the said application were correct and has further informed this Court that the matter has been compromised between the parties and no further dispute remains between them.

5. Learned counsel for the applicant cited a decision of this Court passed in the case of Km. Deepmala Sharma and others Vs. State of U.P. and another reported in 2011 (72) ACC 192 in which it has been held on the basis of a judgment passed by the Apex Court in the case of Nikhil Merchant Vs. C.B.I. reported in 2008 (62) ACC 921 that as the dispute has been settled between the parties amicably then no useful purpose will be served if the matter is allowed to proceed in the trial court.

6. Considering the facts and circumstances of the case and in view of the fact that the matter has been settled between the parties and in view of the law laid by Apex Court in the case of Nikhil Merchant (Supra), the order dated 26.5.2012 and the proceedings of the aforesaid case are hereby quashed.

7. With the above observations, the application stands allowed.