
(2017) 01 AHC CK 0220

In the Allahabad High Court

Case No : Criminal Misc. Application U/s 482 No. 463 of 2017

Vinay Chaudhary

APPELLANT

Vs

State of Uttar Pradesh

RESPONDENT

Date of Decision : 09-01-2017

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 408, Section 409, Section 420, Section 467, Section 468, Section 471, Section 506

Citation : (2017) 2 ADJ 645

Hon'ble Judges : Rajesh Dayal Khare, J.

Bench : Single Bench

Advocate : Mukhtar Alam, Advocate, for the Applicant; G.A., Kuldeep Saxena, Advocate, for the Opposite Parties

Final Decision : Allowed

Judgement

Rajesh Dayal Khare, J.—; Heard learned counsel for the applicants, Sri Kuldeep Saxena and Sri Vijit Saxena learned counsel for the opposite party No. 2 and the learned AGA for the State.

2. The present 482 Cr.P.C. application has been filed for quashing the entire proceedings of Criminal Case No. 331 of 2016 arising out of case crime No. 107 of 2016 under Sections 420, 408, 409, 467, 468, 471, 506 IPC, police station Ganga Nagar, district Meerut and also to quash the charge sheet dated 01.6.2016 along with the cognizance taking order dated 28.6.2016 passed by the Additional Chief Judicial Magistrate, Meerut in the aforesaid case.

3. It is contended by learned counsel for the applicants that the private dispute between the applicants and the opposite party No. 2 has been amicably settled and an amount of Rs. 75 lacs was agreed to be paid by the applicants to the opposite party No. 2. It is next contended that the applicants have already paid the aforesaid amount to the opposite party No. 2. It is argued that the private accountancy dispute between the parties has been amicably settled, and prayed

that the proceedings of the aforesaid case may be quashed and learned counsel for the applicants has relied upon 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 JT 466, Yogendra Yadav v. State of Jharkhand, AIR 2014 (SC) 3055 and has submitted that since the matter has been compromised between the parties amicably, 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 opposite party No.2, therefore, present case may be finally decided.

4. Learned counsel for the opposite party No. 2 does not dispute the fact that the accountancy private dispute between the opposite party No. 2 and the applicants has been amicably settled and the entire amount due pursuant to the agreement has been paid by the applicants and he further states that the opposite party No. 2 does not want to pursue the matter any further.

5. In view of the fact that opposite party no.2 also does not want to prosecute the case. The matter is personal, which has been amicably settled between the parties, no useful purpose would be served in proceeding further with the matter.

6. Thus, in view of the well settled principles of law as laid down by the Judgment of the Hon''ble Apex Court reported in 2003(4) JT 675 (B.S. Joshi v. State of Haryana) as well as the Judgment of the Hon''ble Apex Court reported in JT 2008(9) SC 192 (Nikhil Merchant v. Central Bureau of Investigation and another), the present application is allowed and the proceedings of Criminal Case No. 331 of 2016 arising out of case crime No. 107 of 2016 under Sections 420, 408, 409, 467, 468, 471, 506 IPC, police station Ganga Nagar, district Meerut and the charge sheet dated 01.6.2016 along with the cognizance taking order dated 28.6.2016 passed by the Additional Chief Judicial Magistrate, Meerut in the aforesaid case is hereby quashed.