

ITEM NO.44

COURT NO.2

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 1106/2013

(Arising out of impugned final judgment and order dated 18-12-2012 in CRLMA No. 40533/2012 passed by the High Court Of Judicature At Allahabad)

SHAILENDRA SINGH & ORS.

Petitioner(s)

VERSUS

SUKHBIR SINGH & ORS.

Respondent(s)

(With appln(s) for permission to place addl. Documents on record and stay and office report)

WITH

SLP(Crl) No. 3300/2013 (II)
(With office report)SLP(Crl) No. 5597/2013 (II)
(With office report)SLP(Crl) No. 5305/2013 (II)
(With office report)

Date : 28-08-2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR
HON'BLE MR. JUSTICE PRAFULLA C. PANT
HON'BLE MR. JUSTICE S. ABDUL NAZEER

For Petitioner(s)

SLP(Crl) 1106/2013 Mr. Aman Lekhi, Sr. Adv.
Ms. Kavita Sarin, Adv.
Mr. Ashok Mathur, AORSLP(Crl) 3300/2013 Mr. Arjun Garg, AOR
Mr. Manish Yadav, Adv.
Mr. Rohit Chandra, Adv.SLP(Crl) 5597/2013 Dr. (Mrs.) Vipin Gupta, AOR
SLP(Crl) 5305/2013

For Respondent(s)

State of UP

Mr. D.K. Singh, AAG
 Mr. Ardhendumauli Kumar Prasad, Adv.
 Mr. Aishwarya Pathak, Adv.
 Ms. Komal Mundhra, Adv.
 Mr. Saurabh, Adv.
 Mr. Abhishth Kumar, AOR

Mr. Yogesh Saxena, Adv.
 Mr. Aum Mangalasserry, Adv.
 Mr. R.K. Singh, Adv.
 Mr. Ameet Singh, Adv.
 Mr. Praveen Swarup, AOR

SLP(Cr1.)5597/2013 Mr. Aman Lekhi, Sr. Adv.

SLP(Cr1.)3300/2013 Ms. Kavita Sarin, Adv.

SLP(Cr1.)5305/2013 Mr. Ashok Mathur, AOR

SLP(Cr1) 1106/2013 Dr. (Mrs.) Vipin Gupta, AOR

SLP(Cr1) 1106/2013 Mr. Arjun Garg, AOR

UPON hearing the counsel the Court made the following

O R D E R

These special leave petitions arise out of an incident which took place on 27.11.2011 in the Apex Green Valley Housing Society, Sector 6, Vaishali, Ghaziabad. Without going into complete details of the matters, it would suffice to state that the incident led to the lodging of a First Information Report No. 1560 of 2011 which eventually was registered as Crime No. 2071 of 2011 under Sections 147, 323, 504 and 506 of the IPC at PS Indirapuram, against the 6 accused named therein. Six applications under Section 156(3) Cr.PC by six different individuals were filed and the same were dismissed. However, the High Court of Allahabad in a proceeding under Section 482 CrPC opined that the dismissal of the applications under Section 156(3) Cr.PC vis-a-vis one of the accused Sukhbir Singh is not sustainable in law, therefore, remanded the matter for fresh orders.

During the pendency of the instant special leave petitions, parties to the transaction claim to have amicably settled their disputes. Therefore, they filed a joint application praying as follows:-

"In view of the aforementioned facts and circumstances, it is most respectfully prayed that this Hon'ble Court may be pleased to:

(a) Take on record the Settlement Agreement dated 23.08.2017, which has been filed as Annexure A;

(b) Quash multiple legal proceedings pending between the parties (as described in para 2 above);

(c) Dispose of the instant special leave petition and the connected special leave petitions in terms of the Settlement Agreement dated 23.08.2017;

(d) Pass such other or further order(s) as may be deemed fit and proper in facts and circumstances of the present case."

In the background of above-mentioned circumstances, we are of the opinion that no useful purpose will be served keeping all these matters pending in various Courts. Considering the nature of the offences and a long lapse of time in these matters, we deem it appropriate to direct that all the cases and cross cases (referred to in para 2 of the joint application for quashing of the proceedings)

between the parties in connection with the above-mentioned incident dated 27.11.2011 be quashed subject to the condition that all the parties involved in the transaction arrayed as accused on either side cumulatively pay an amount of Rs. 2 lakhs within a period of four weeks to The Blind Relief Association, Lala Lajpat Rai Road(Lal Bahadur Shastri Marg), Near The Oberoi Hotel, New Delhi-110003. Ordered accordingly.

The joint application(s) filed by the parties taken on record.

The special leave petitions stand disposed of accordingly.

A copy of the order will be made available to the parties after the Registry is provided with the actual proof of payment.

(DEEPAK MANSUKHANI)
AR-cum-PS

(RAJINDER KAUR)
Court Master