

Court No. - 88

Case :- APPLICATION U/S 482 No. - 25457 of 2023

Applicant :- Reeta Mishra And Another

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- R.B.Pal,Umesh Kumar Pal

Counsel for Opposite Party :- G.A.,Ashok Kumar Gupta

Hon'ble Sanjay Kumar Singh,J.

Heard learned counsel for the applicants, learned Additional Government Advocate for the State, learned counsel for the opposite party no.2 and perused the record.

This application under Section 482 Cr.P.C. has been filed by the applicants with a prayer to quash the charge-sheet dated 29.09.2021, cognizance / summoning order dated 20.04.2023 and proceedings of case no. 4987 of 2023 (*State vs. Reeta Mishra and another*) arising out of case crime no. 11 of 2020, under Sections 419, 420 and 406 I.P.C., Police Station Salempur, District Deoria pending in the Court of Additional Chief Judicial Magistrate, Court No. 19, Deoria.

It is submitted by learned counsel for the applicants that the opposite party no. 2 lodged a first information report on 28.01.2020 against the applicants for the alleged offence under Sections 419, 420 and 406 I.P.C. in which after culmination of investigation, charge-sheet dated 29.09.2021 has been submitted on which the concerned court below took cognizance and summoned the applicants vide order dated 20.04.2023 to face trial. Thereafter, the parties concerned have settled the dispute outside the Court and a compromise deed has been prepared in this regard on 07.06.2023. It is lastly submitted that the said compromise deed has yet not been filed before the concerned court below where the criminal proceeding against the applicants is pending and requested to allow the applicants to move compromise deed before the concerned court below.

Whether the parties have, in fact, compromised the matter or not, can best be ascertained by the court below, as such said compromise has to be duly verified in presence of the parties concerned before the court.

On the request made by learned counsel for the applicants two weeks' time is allowed to the applicants to file compromise application before the concerned Court below.

Accordingly, the court concerned court below is directed that in case such compromise application is filed by the applicants before it within aforesaid period, it shall issue notices to all the signatories to the compromise requiring their personal presence and, thereafter, proceed to verify the compromise. If the aforesaid compromise is verified, a report to that effect shall be prepared by the court and the compromise will be made part of the record. The court in that scenario will allow the parties to obtain certified copy of the report as well as compromise and it will be open to the applicants to approach this Court again for quashing of the proceedings.

Till verification of compromise between the parties by the court concerned, no coercive action shall be taken against the applicants in the aforesaid case.

With the aforesaid directions, the application stands ***disposed of.***

Order Date :- 12.10.2023

Saurabh