

Court No. - 88

Case :- APPLICATION U/S 482 No. - 26837 of 2023

Applicant :- Shabana Shabab And 3 Others

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

Counsel for Applicant :- Pradyumn Kumar, Mushir Khan

Counsel for Opposite Party :- G.A., Mujiburrahman

Hon'ble Sanjay Kumar Singh, J.

Heard Mr. Mushir Khan, learned counsel for the applicants, learned Additional Government Advocate for the State, Mr. Mujiburrahman, 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 criminal proceedings of criminal case no. 3199 of 2022 (*State vs. Shahil & Others*) arising out of case crime no. 0011 of 2022, under Sections 323, 452, 504 and 506 I.P.C., Police Station Kotwali, District Mainpuri pending in the Court of Chief Judicial Magistrate, Mainpuri.

It is submitted by the learned counsel for the applicant that a civil suit no. 159 of 2019 filed between the parties concerned has been decreed on the basis of compromise between the parties vide order dated 11.02.2023 of Civil Judge (Sr. Div.), Mainpuri. Copy of the same has been annexed as annexure no. 11 to this application. So far as this case is concerned, it is submitted that no compromise application has yet been filed before the concerned court below, where criminal proceeding is pending against the applicants and requested to allow the applicants to move compromise application 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 applicant three weeks' time is allowed to the applicants to file compromise application before the concerned court below.

Accordingly, the 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 applicant 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 instant application stands ***disposed of***.

Order Date :- 17.10.2023

Saurabh