

Court No. - 88

Case :- APPLICATION U/S 482 No. - 26961 of 2023

Applicant :- Ankit Pal And Another

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

Counsel for Applicant :- Tarun Jha

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh,J.

1. Heard learned counsel for the applicants, learned Additional Government Advocate for the State of U.P. and perused the record.

2. This application under Section 482 Cr.P.C. has been filed by the applicants with a prayer to quash the proceeding of Session Trial No.17 of 2023 (Shivam Pandey Vs. Ankit Pal and another) arising out of complaint Case No.125 of 2021, under Sections 392 and 506 of I.P.C., Police Station- Kotwali Orai, District- Jalaun pending in the Court of learned Special Judge Dacoity (Dacoity affected Area) Jalaun at Orai on the basis of compromise.

3. It is submitted by the learned counsel for the applicants that the opposite party no.2 filed an application under Section 156(3) Cr.P.C. against the applicants on 16.12.2021, which has been treated as a complaint. The learned Magistrate took cognizance and summoned the applicants on 04.05.2022 to face trial. It is next submitted that after submission of charge-sheet, the parties concerned entered into a compromise outside the Court on 12.05.2023 and a settlement arrived at between the parties concerned. Averment in this regard has been mentioned in paragraph no.11 of the affidavit. It is lastly submitted that the aforesaid compromise application has yet not 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.

4. 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.

5. 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.

6. 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 applicants to approach this Court again for quashing of the proceedings.

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

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

Order Date :- 12.10.2023

Imtiyaz