Court No. - 91

Case :- APPLICATION U/S 482 No. - 30092 of 2023

Applicant :- Bhura Sen And Another
Opposite Party :- State of U.P. and Another
Counsel for Applicant :- Sanjay Tripathi,Shalvin
Counsel for Opposite Party :- G.A.,Pankaj Tripathi,Pavan Kumar Dwivedi

Hon'ble Gajendra Kumar,J.

Sri Anvir Singh, Advocate, has filed his Vakalatnama along with affidavit, on behalf of informant, which is taken on record.

Heard learned counsel for applicants, learned counsel for informant and the learned A.G.A.

This application under Section 482 Cr.P.C. has been filed for quashing the charge sheet dated 16.12.2018 along with cognizance/summoning order dated 15.10.2022 as well as entire Criminal proceeding of Special Case No. 78 of 2022 (State vs. Bhura Sen), arising out of Case Crime No. 511 of 2017, under Sections 363, 366, 376 IPC and 4 POCSO Act, Police Station Kabrai, District Mahoba, pending in the court of Additional Session Judge/Special Judge POCSO Act, Mahoba.

Learned counsel for the applicants submits that the applicants and the opposite party no. 2 have reconciled their differences and a compromise has been entered between them, and they want to file the said compromise before the lower court concerned. Therefore, no useful purpose would be served in continuing the proceedings before the court below and the same is not only sheer wastage of time of the Court but also abuse of process of law.

Learned AGA, however, submits that it is the concerned court below, which has to verify the fact as to whether the parties have entered into compromise, hence the applicants may approach the concerned court below and move an application along with copy of compromise between the parties, which will be decided in accordance with law.

In view of the above, the applicants and the opposite party no. 2 are directed to appear before the court below along with compromise and an application for verification of compromise deed so filed as well as a certified copy of this order within four weeks from today. It is expected that the trial court may fix a date for the verification of the compromise and after ensuring their presence, pass an appropriate order with respect to the same in accordance with law, as expeditiously as possible,

preferably within a period of two months from today. While passing the order verifying the compromise, the concerned court shall also record the statement of the applicants and the opposite party no. 2 as to whether all the terms and conditions mentioned in the original compromise deed, so filed, have been fulfilled or not.

The court in that scenario will allow the applicants and the opposite party no. 2 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.

For a period of two months, no coercive action shall be taken against the applicants in the aforesaid case.

With the aforesaid directions, this application is finally **disposed of**.

Order Date :- 17.10.2023
v.k.updh.

Digitally signed by :-
VINOD KUMAR UPADHYAY
High Court of Judicature at Allahabad