

Court No. - 88

Case :- APPLICATION U/S 482 No. - 30172 of 2023

Applicant :- Karuna Shankar Dubey

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

Counsel for Applicant :- Satyendra Narayan Singh, Vikas Singh

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh, J.

1-Heard learned counsel for the applicant as well as learned Additional Government Advocate for the State of U.P. /opposite party No.1.

2-This application under Section 482 Cr.P.C. has been filed by the applicant for quashing the summoning order dated 13.12.2022 as well as proceedings of Complaint Case No. 692 of 2022 (Sushil Dubey Vs. Karuna Shankar Dubey), under Section 138 of Negotiable Instrument Act, Police Station-Jhunsi, District-Prayagraj/Allahabad, pending in the court of learned Additional Chief Judicial Magistrate, Court No.5, Allahabad.

3-After advancing some arguments, learned counsel for the applicant has urged before the Court that the facts and circumstances of the case and the nature of offence involved are such in which the litigating parties should be given a chance to settle this matter amicably and for this purpose some protective direction may be given by this Court so that adequate steps may be taken in furtherance of the same object. Learned counsel for the applicant has also placed reliance upon judgments of the Apex Court in the cases of **Damodar S. Prabhu Vs. Sayed Babalal H., 2010 (5) SCC 663** and **M/s Meters and Instruments Private Limited and another vs. Kanchan Mehta, 2018(1) SCC 560** and further submitted that the Apex Court in the aforesaid cases has taken cognizance of the heavy pendency of the cases in the courts which may result

ultimately in the chocking of criminal justice system. It has been urged that with the laudable object of providing the rival parties, who have hitherto locked their horns in litigation, an opportunity to arrive at a mutually agreeable settlement and put to an end to the escalating litigations, the compounding of the offence has not only been encouraged but in order to given incentive to do so at the earliest stage, certain guidelines have also been issued by the Hon'ble Supreme Court.

4-Learned A.G.A. for the State submits that in case, the applicant is ready to settle the dispute with complainant, he has no objection in this regard.

5-As requested by the learned counsel for the applicant, it is directed that the accused may appear before the court below within a period of one month from today through the representing counsel and move an application seeking compounding of offence through compromise. On such application being moved, the concerned Court may take adequate steps in accordance with law in this regard and shall provide further opportunity to the accused which shall not exceed a maximum period of three months from today to make an endeavour in this direction. Thereafter, the Court shall pass necessary orders specifically keeping in view the law laid down by the Apex Court in the case of Damodar S. Prabhu (supra) as also the latest amendment made in the N.I. Act within a period of four months from today. If the decision of the Court given in the light of the application does not conclude the proceedings against the accused and he is further required to appear and face the trial, the Court shall be at liberty to proceed in accordance with law against the accused and take all necessary steps and measures to procure his attendance as the law permits.

6-In the aforesaid period of four months or till the decision given in the light of the application, whichever is earlier, no coercive measures shall be adopted against the applicant.

7-It is made clear that no application for extension of

time shall be entertained if this order is not availed by the applicant within the stipulated period of time.

8-With the aforesaid observations/directions, this application under section 482 Cr.P.C. is ***disposed of***.

Order Date :- 27.10.2023

Kashifa