

Court No. - 88

Case :- APPLICATION U/S 482 No. - 31495 of 2023

Applicant :- Palvinder Singh

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

Counsel for Applicant :- Neeraj Kumar Pandey

Counsel for Opposite Party :- G.A.,Devendra Kumar Tiwari

Hon'ble Sanjay Kumar Singh,J.

Heard learned counsel for the applicant, 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 applicant with a prayer to quash the proceedings of criminal case no. 7358 of 2022 (State vs. Indra Singh and others) arising out of case crime no. 210 of 2022, under Sections 420, 406, 467, 468, 471, 504, 506 I.P.C., Police Station Bilaspur, District Rampur pending in the Court of Chief Judicial Magistrate, Rampur on the basis of compromise dated 25.07.2023.

Learned counsel for the applicant submits that the opposite party no. 2 lodged a first information report on 22.05.2022 against nine accused persons including the applicant, in which after culmination of investigation, charge-sheet dated 25.07.2022 has only been submitted against the present applicant. Thereafter the parties concerned have settled their dispute outside the Court and a compromise application dated 25.07.2023 has been moved before the concerned court below where criminal proceeding against the applicant is pending. Said compromise application has been brought on record as Annexure No. 4 to this application.

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.

Accordingly, the concerned Court below is directed that if any such compromise has already been filed before it, 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 applicant in the aforesaid case.

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

Order Date :- 19.10.2023

Saurabh