

Court No. - 88

Case :- APPLICATION U/S 482 No. - 32414 of 2023

Applicant :- Love Kush And Another

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

Counsel for Applicant :- Virendra Singh, Sarvesh Kumar Dubey

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh, J.

1-Heard learned counsel for the applicants and 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 to quash the charge-sheet no. 1178 of 2020 dated 30.12.2020, cognizance order dated 07.01.2021 and proceedings of Case No. 273 of 2021 arising out of case crime no. 877 of 2020, under Sections 406, 420, 504, 506 I.P.C., Police Station Kotwali Nagar, District Bulandshahr pending in the court of Chief Judicial Magistrate, Bulandshahr on the basis of compromise arrived at between the parties dated 28.06.2023.

3-It is submitted by learned counsel for the applicants that the opposite party no. 2 had lodged a first information report 24.06.2020 against the applicants, in which after culmination of investigation charge-sheet was submitted on 30.12.2020, on which the Magistrate concerned took cognizance on 07.01.2021. Thereafter, the parties concerned have settled their dispute outside the court and a compromise application dated 27.06.2023 has been filed before the concerned court below, which has been brought on record as Annexure No. 11 to the affidavit.

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

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

7-With the aforesaid directions, the application stands ***disposed of***.

Order Date :- 1.12.2023

Saurabh