

Court No. - 88

Case :- APPLICATION U/S 482 No. - 31542 of 2023

Applicant :- Om Prakash Alias Pappu And 3 Others

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

Counsel for Applicant :- Zafeer Ahmad

Counsel for Opposite Party :- G.A., Istyak Khan

Hon'ble Sanjay Kumar Singh, J.

Heard learned counsel for the applicants, 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 applicants to quash the charge-sheet dated 22.12.2020, cognizance order dated 23.05.2022 and proceedings of Case No. 36277 of 2022 (State Vs. Om Prakash and others) arising out of Case Crime No. 487 of 2020, under Sections 308, 506 IPC, Police Station Kundarki, District Moradabad pending in the Court of Chief Judicial Magistrate, Moradabad.

It is submitted by the learned counsel for the applicants that opposite party no. 2 lodged the first information report on 25.10.2020 under Sections 308, 506 IPC against the applicants, in which after culmination of investigation, charge-sheet has been submitted on 22.12.2020, on which Magistrate concerned took cognizance and summoned the applicants to face trial vide order dated 23.05.2022. Thereafter, the parties concerned entered into a compromise outside the Court and settlement arrived at between the parties concerned. It is also submitted that the compromise deed dated 20.07.2023 has been filed before the concerned Court below, where criminal proceeding against the applicants is pending. Said compromise application has been brought on record as Annexure No. 9 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 applicants 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 applicants in the aforesaid case.

With the aforesaid directions the application stands disposed of.

Order Date :- 18.10.2023
Shubham