

Court No. - 88

Case :- APPLICATION U/S 482 No. - 31808 of 2023

Applicant :- Naushad And 2 Others

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

Counsel for Applicant :- Sandeep Kumar Srivastava

Counsel for Opposite Party :- G.A.,Brijesh Kumar Pandey

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 with a prayer to quash the summoning order dated 19.10.2006 and proceedings of complaint case no. 758 of 2021 (Old No. 2653 of 2020), (*Sikandar vs. Naushad & others*), under Sections 323, 392 I.P.C., Police Station Amroha Nagar, District J.P. Nagar (Amroha) pending in the court of Additional Judicial Magistrate-I, J.P. Nagar (Amroha).

It is submitted by the learned counsel for the applicants that the opposite party no. 2 moved an application under Section 156(3) Cr.P.C. dated 14.08.2006 against the applicants which was treated as a complaint and after recording the statement under Sections 200 and 202 Cr.P.C., applicants have been summoned by the learned Magistrate concerned vide order dated 19.10.2006. The said order was challenged by the applicants by means of an Application U/s 482 Cr.P.C. No. 17122 of 2006, in which interim stay order was granted on 21.12.2006 but the same was dismissed for want of prosecution vide order dated 18.02.2019. Thereafter parties concerned have settled the dispute outside the Court and a compromise application dated 29.09.2021 has been filed before the concerned court below where criminal proceeding against the applicant is pending, a copy whereof has been annexed as Annexure No. 4 to the 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 :- 1.11.2023

Saurabh