

Court No. - 88

Case :- APPLICATION U/S 482 No. - 32597 of 2023

Applicant :- Naveen Singh

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

Counsel for Applicant :- Sanjay Vikram Singh, Rakesh Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh, J.

1-Heard learned counsel for the applicant, learned Additional Government Advocate for the State of U.P. and perused the record.

2-This application under Section 482 Cr.P.C. has been filed by the applicant with a prayer to quash the proceedings of case no. 229 of 2019 (*Vandana Singh vs. Naveen Singh*), under Sections 498-A, 323, 504 I.P.C. and Sections 3/4 D.P. Act, Police Station Shivpur, District Varanasi pending in the Court of Additional Chief Judicial Magistrate, Court No. 6, Varanasi on the basis of compromise.

3-It is submitted by learned counsel for the applicant that earlier, husband of the opposite party no. 2 along with other co-accused have filed an application under Section 482 Cr.P.C. no. 25747 of 2019 against the summoning order dated 13.02.2019, in which an interim protection was granted to other co-accused persons but so far as applicant (husband of opposite party no. 2) is concerned, prayer for quashing the summoning order and proceedings of the case against the applicant was refused vide order dated 04.07.2019. The instant application has been preferred after compromise between the parties concerned.

4-Main substratum of argument of learned counsel for the applicant is that the applicant is husband of opposite party no. 2. The marriage of applicant was solemnized on 28.11.2010 with the opposite party no. 2, but their marriage was not successful, as a result thereof, on account of acrimonious relation, the opposite party no. 2 moved an application under

Section 156(3) Cr.P.C. dated 07.08.2018 which was treated as a complaint and the learned Magistrate, after recording the statement under Section 200 and 202 Cr.P.C., summoned the applicant to face trial but later on, parties concerned have settled their dispute outside the Court and a compromise application dated 26.07.2023 has been filed before the concerned court below which has been brought on record as Annexure No. 5 to the application.

5-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.

6-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.

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

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

Order Date :- 21.11.2023

Saurabh