

Court No. - 34

Case :- MATTERS UNDER ARTICLE 227 No. - 4998 of 2017

Petitioner :- Gulshan Kumar Bajwa

Respondent :- State Of U.P. Thru Chief Secy. Lucknow

Counsel for Petitioner :- In Person

Counsel for Respondent :- G.A.,In Person

Hon'ble Ajit Kumar,J.

1. Heard Sri Gulshan Kumar Bajwa, who is petitioner in this case and is appearing in person before the Court and Smt. Neeru Gupta Bajwa, who is wife of the petitioner and also appearing in person before this Court as well as Sri Kailash Prakash Pathak, learned Additional Government Advocate appearing on behalf of the State.

2. This Court on 30th October, 2023, had passed the following order:-

"Heard Sri Gulshan Kumar Bajwa, who has appeared in person before this Court and Smt. Neeru Gupta Bajwa who is his wife who has also appeared in person before this Court. They claim to have entered into compromise.

Both have filed their affidavits before this Court to the effect that they want to enter into compromise. They have filed affidavits in support of their stand to compromise in criminal case which is going on in the court of Chief Metropolitan Magistrate, Kanpur Nagar being Case No. 2841 of 2012 arising out of Case Crime No. 244 of 1996, under Section 325/452/504 IPC, Mr. Bajwa claims to be facing Non Bailable Warrant.

Let these two affidavits filed before this Court be transmitted before the Chief Metropolitan Magistrate, Kanpur Nagar within three days.

Both the petitioners namely Sri Gulshan Kumar Bajwa as well as his wife Smt. Neeru Gupta Bajwa are directed to appear before the Chief Metropolitan Magistrate, Kanpur Nagar on or before 31.10.2023 and the Chief Metropolitan Magistrate, Kanpur Nagar will look into the affidavit and get the necessary verification done of affidavits filed in terms of compromise reached between the parties and record their

statements and submit a report to this Court on or before the next date fixed. In the meanwhile, no coercive steps shall be taken against Sri Bajwa in connection with the criminal case going on in the Court of Chief Metropolitan Magistrate, Kanpur Nagar.

List on 21.11.2023. "

3. Parties did appear before the Metropolitan Magistrate, Kanpur Nagar as per the direction of this Court and their statements were recorded and compromise after due verification has been sent back to this Court under the signatures of Metropolitan Magistrate, Kanpur Nagar dated 30.10.2023 which is reproduced as under:-

" प्रेषक,

अरुण कुमार गुप्ता,

महानगर मजिस्ट्रेट, कक्ष संख्या-03

कानपुर नगर।

सेवा में,

मा० महानिबन्धक,

मा० उच्च न्यायालय,

इलाहाबाद।

द्वारा,

माननीय जनपद न्यायाधीश,

कानपुर नगर।

विषय:- पत्रावली आपराधिक वाद संख्या 3302841/2012, मुकदमा अपराध संख्या

260/1996, एफ०आई०आर० संख्या 244/1996 सरकार बनाम गुलशन कुमार बाजवा, अन्तर्गत धारा 452, 325, 504 भा०दं०सं०, थाना स्वरूप नगर, कानपुर नगर में समझौतानामा के सत्यापन सम्बन्धी आख्या के विषय में।

माननीय महोदय,

ससम्मान अवगत कराना है कि माननीय उच्च न्यायालय के याचिका अन्तर्गत अनुच्छेद 227 भारतीय संविधान संख्या 4998/2017 Gulshan Kumar Bajwa vs. State of U.P. thru Chief Secy, Lucknow में पारित आदेश दिनांकित 03.10.2023 द्वारा आपराधिक वाद संख्या 3302841/2012, मुकदमा अपराध संख्या 260/1996, एफ.आई.आर. संख्या 244/1996 सरकार बनाम गुलशन कुमार बाजवा अन्तर्गत धारा 452, 325, 504 भा०दं०सं०, थाना स्वरूप नगर, कानपुर नगर के सम्बन्ध में विचारण न्यायालय को निर्देशित किया है कि वह पक्षकारों द्वारा समझौतानामा प्रस्तुत करने पर पक्षकारों के बयान अभिलिखित करने व समझौतानामा तस्दीक कर उसकी आख्या माननीय उच्च न्यायालय को लिस्टिंग तिथि या उससे पूर्व प्रेषित करें। माननीय उच्च न्यायालय के उपरोक्त आदेश के अनुक्रम में पक्षकारगण समझौतानामा मय शपथपत्र के साथ न्यायालय के समक्ष दिनांक 26.10.2023 को उपस्थित आये। माननीय उच्च न्यायालय के उपरोक्त आदेश के अनुसार समझौतानामा मय शपथपत्र प्रस्तुत किया गया। उक्त के समर्थन में वादी मुकदमा नीरू गुप्ता व अभियुक्त गुलशन कुमार बाजवा का बयान न्यायालय द्वारा अभिलिखित किया गया। न्यायालय द्वारा पक्षकारों द्वारा प्रस्तुत समझौतानामा दिनांक 26.10.2023 को तस्दीक किया गया। माननीय उच्च न्यायालय के आदेश के

अनुक्रम में प्रस्तुत सुलहनामा के तस्दीक /सत्यापन सम्बन्धित आख्या माननीय
उच्च न्यायालय के समक्ष प्रस्तुत करने हेतु ससम्मान सादर प्रेषित।"

सादर।

(अरुण कुमार गुप्ता)
महानगर मजिस्ट्रेट, कक्ष सं०-03,
कानपुर नगर

दिनांक 30.10.2023

कार्यालय जनपद न्यायाधीश, कानपुर नगर।

पत्रांक- 2663/I कानपुर नगर, दिनांकित 01.11.2023

माननीय महानिबन्धक, मा० उच्च न्यायालय इलाहाबाद को अग्रसारित।

4. In view of the above and in the light of judgment of the Supreme Court **B.S. Joshi Vs. State of Haryana & others, (2003) 4 SCC 675**, since the parties have entered into compromise, which has been duly verified by the Metropolitan Magistrate, Kanpur Nagar, where the case is pending, the proceedings of Case No. 2841 of 2012 arising out of Case Crime No. 260 of 1996 under Sections 452, 325, 504 I.P.C., Police Station Swaroop Nagar, District Kanpur Nagar pending before the Metropolitan Magistrate, Court No. 3, Kanpur Nagar, are hereby quashed.

5. The petition, thus stands disposed of.

Order Date :- 21.11.2023

Shiraz