

Court No. - 88

Case :- APPLICATION U/S 482 No. - 34899 of 2023

Applicant :- Jafruddin @ Jakir Hussain And 3 Others

Opposite Party :- State Of U.P. And 5 Others

Counsel for Applicant :- Kuldeep Singh Chahar

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh,J.

Heard learned counsel for the applicants, learned Additional Government Advocate for the State/opposite party No.1 and learned counsel for opposite party Nos. 2 to 6.

This application under Section 482 Cr.P.C. has been preferred by the applicants with a prayer to quash the charge-sheet dated 19.08.2021, summoning order dated 27.06.2022 and proceedings of Case No. 160 of 2022 (State vs. Zafruddin and others) arising out of case crime no. 194 of 2021, under Sections 323, 336, 504, 506, 308 & 324 I.P.C., P.S. Khandoli, District Agra pending in the court of Judicial Magistrate, Ist, Agra.

It is submitted by learned counsel for the applicants that the opposite party no. 2 has lodged a first information report on 11.06.2021 against the applicants, namely, Zafruddin @ Jakir Hussain, Salman, Arman and Mubeena, for the alleged offence under Section 147, 336, 323, 504, 506 & 308 I.P.C., in which after culmination of investigation, charge sheet has been submitted on 19.08.2021, on which the learned Magistrate took cognizance and summoned the applicants to face trial. Thereafter, parties concerned have settled their dispute outside the Court and a compromise application dated 31.07.2023 has also been filed before the concerned Court below. Copy whereof has been brought on record as Annexure no. 5 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 applicant 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 :- 22.11.2023

Anurag/-