Court No. - 91

Case :- APPLICATION U/S 482 No. - 36959 of 2023

Applicant :- Madan
Opposite Party :- State Of U.P. And 2 Others
Counsel for Applicant :- Azhar Hussain
Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar,J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State and perused the record.

2. This application under Section 482 Cr.P.C. has been filed by the applicant to quash the impugned charge sheet dated 09.07.2018 as well as the entire proceedings Special Case No.2127 of 2018, arising out of Case Crime No.0522 of 2018, under Sections 363, 366, 376 IPC and Section 3/4 of POCSO Act, Police Station Jagdishpura, District Agra in pursuance of compromise.

3. Learned counsel for the applicant submits that the parties have reconciled their differences and a compromise has been entered between them, copy of compromise deed dated 02.09.2023 has been annexed as Annexure-5 to this affidavit. Therefore, no useful purpose would be served in continuing the proceedings before the Court below and the same is not only sheer wastage of time of the Court but also abuse of process of law.

4. Learned A.G.A., however, submits that it is the concerned court below, which has to verify the fact as to whether the parties have entered into compromise, hence the applicants may approach the concerned court below and move an application with respect to compromise between the parties, which will be decided in accordance with law.

5. In view of above, without expressing any opinion on the merit of the case, both the parties are directed to appear before the Court below along with compromise deed as well certified copy of this order within two weeks from today. It is expected that Court below may fix a date for the verification of the compromise and after ensuring the presence of the parties, pass an appropriate order with respect to the same in accordance with law, as expeditiously as possible, preferably within a period of two months from the date of

production of a certified copy of this order, if there is no other legal impediment. While passing the order verifying the compromise, the Court concerned shall also record the statements of the parties as to whether all the terms and conditions mentioned in the original compromise deed, so filed, have been fulfilled or not?

6. 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.

7. For a period of two months, no coercive action shall be taken against the applicants in the aforesaid case.

8. With the aforesaid directions, this application is finally ***disposed of.***

Order Date :- 13.10.2023
Sanjeet

Digitally signed by :-
SANJEET KUMAR YADAV
High Court of Judicature at Allahabad