

Court No. - 89

Case :- APPLICATION U/S 482 No. - 37051 of 2023

Applicant :- Rahmat Ali And 3 Others

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

Counsel for Applicant :- Rajeev Sen

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

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

2. The present 482 Cr.P.C. application has been filed to quash the cognizance order dated 29.10.2020, charge sheet in Case No.34035 of 2020, Case Crime No.0267 of 2020 against applicant no.1 under Sections 498A, 323, 313, 504, 506, 352 I.P.C. and Section 3/4 of DP Act. Applicant No.2 for offence U/s 498A, 405, 406 I.P.C. and Section 3/4 of DP Act. Applicant No.3 for offence U/s 498A, 323, 504, 506, 352 I.P.C. and Section 3/4 of DP Act and applicant No.4 for offence U/s 498A, 323, 504, 506, 352 I.P.C. and Section 3/4 of DP Act, Police Station- Indrapuram, District- Ghaziabad, pending in the court of Addl. Sessions Judge, Court No.5, Ghaziabad.

3. Learned counsel for the applicants submits that opposite party No.2 is wife of applicant No.1. Parties have amicably settled their dispute and entered into compromise thereafter they approached this Hon'ble Court by filing Application U/s 482 No.24152 of 2023, the Hon'ble Court vide order dated 10.07.2023 referred the matter to court below for verification of compromise entered between the parties.

4. Considering the argument raised by applicants' counsel and perused the record, it is evident that the court below vide order dated 04.08.2023 has not made verification of the parties properly who appeared before him and parties are not verified by their counsels. The order passed on 04.08.2023 is not in accordance to order dated 10.07.2023 passed by the Hon'ble Court, as such, the order passed on 04.08.2023 by the court below is not acceptable.

5. The Additional Sessions Judge, Court No.5, Ghaziabad again is hereby directed to verify the parties and verify the compromise, in accordance with law, in pursuance of order passed by this Hon'ble Court dated 10.07.2023 within the period of three weeks from the date of production of certified copy of this order and submit a report after passing the appropriate order.

6. With the aforesaid directions, this application under Section 482 Cr.P.C. stands **disposed of**.

7. For a period of five weeks, no coercive measure shall be taken against the applicants.

Order Date :- 1.11.2023

Nitin Verma