

Court No. - 92

Case :- APPLICATION U/S 482 No. - 7381 of 2014

Applicant :- Sri Sudhir Jain

Opposite Party :- Vinod Kumar Jain And Another

Counsel for Applicant :- Ranjit Saxena, Amit Kumar
Asthana, Deepak Saxena, Lav Srivastava

Counsel for Opposite Party :- Govt. Advocate, Sufia Saba, Vinay
Saran

Hon'ble Anish Kumar Gupta, J.

1. Heard Sri Amit Kumar Asthana, learned counsel for the applicant, Sri Abdul Majeed, learned Advocate, holding brief of Ms. Sufia Saba, learned counsel for the Opposite Party No.2 and Sri R.P. Verma, learned AGA for State.

2. The instant application, under Section 482 Cr.P.C., has been filed seeking quashing of the order dated 13.08.2013 and entire proceeding of Criminal Complaint Case No. 2286 of 2012 (Criminal Case No. 4130 of 2013) Vinod Kumar Jain v. Sudhir Jain, under Sections 406, 504 and 506 IPC, Police Station Swaroop Nagar, District Kanpur Nagar, arising out of order dated 20.11.2012 passed in an application under Section 156(3) Cr.P.C.

3. Learned counsel for the applicants submits that this was a dispute between the parties with regard to share in the ancestral property, for which, various complaints were filed against each other and now the parties have settled their disputes amicably and a settlement deed dated 15.03.2023 has been executed between the parties, which has been placed on record along with the application for compromise and a joint affidavit of both the parties. In view of the aforesaid compromise executed between the parties and in terms of the said compromise, the complainant has also moved an application before the trial court for withdrawing the complaint against the Opposite Party No.2 annexing the copy of the settlement held between the parties.

4. Learned counsel for the applicant further submits that in view of the pendency of the instant application, under Section 482 Cr.P.C., the said application for withdrawing the complaint, on the basis of compoundable offences, has not been decided by the trial court.

5. In view thereof, since the offences under Sections 406, 504 and 506 IPC, for which applicant was summoned, are the compoundable offence and the complainant-Opposite Party No.2 has already moved an application for withdrawing the complaint on 15.03.2023, therefore, the instant application is disposed of with the direction to the trial court to dispose of the application dated 15.03.2023 filed by the Opposite Party No.2 for withdrawing the complaint on the basis of settlement arrived at between the parties in accordance with law, within a period of four weeks after verification of such settlement / compromise on presence of parties.

Order Date :- 6.12.2023

Akram