

Court No. - 88

Case :- APPLICATION U/S 482 No. - 38793 of 2023

Applicant :- Anil Tanwar And 4 Others

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

Counsel for Applicant :- Diptiman Singh, Swetashwa Agarwal

Counsel for Opposite Party :- G.A., Dileep Kumar Yadav

Hon'ble Sanjay Kumar Singh, J.

1-Heard learned counsel for the applicants, learned Additional Government Advocate for the State and learned counsel for the opposite party no.2.

2-This application under Section 482 Cr.P.C. has been filed by the applicants to quash the proceedings of S.T. No. 796 of 2021 (Jagdish vs. Anil Tanwar and others) arising out of Complaint Case No. 1779 of 2009, under Sections 147, 323, 324, 504, 506 I.P.C. and Section 3(1)(X) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Police Station Deoband, District Saharanpur, pending in the court of learned Special Judge (S.C./S.T. Act), Saharanpur, on the basis of compromise between the parties concerned.

3-It is submitted by the learned counsel for the applicants that opposite party no.2 lodged F.I.R. on 10.08.2005 against the applicants registered at Case Crime No. 153A of 2005 under Sections 147, 323, 504, 506 I.P.C., in which after culmination of investigation final report was submitted, as the complicity of the applicants was found false. Thereafter, opposite party no.2 filed protest application dated 11.07.2006, which was treated as complaint and after recording the statements under Section 200 and 202 Cr.P.C., applicants have been summoned vide order dated 03.08.2010, but till date, statement of only one prosecution witness has been recorded. It is next submitted that after examination-in-chief of PW-1, the parties concerned have settled their dispute outside the Court.

4-It is also submitted that the compromise

application dated 25.07.2023 has been filed before the concerned court below, where criminal proceeding against the applicants is pending. Said compromise application has been brought on record as Annexure No. 7 to this application.

5-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.

6-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 applicants to approach this Court again for quashing of the proceedings.

7-Till verification of compromise between the parties by the Court concerned, no coercive action shall be taken against the applicants in the aforesaid case.

8-With the aforesaid directions the application stands ***disposed of.***

Order Date :- 2.12.2023

Kashifa