

Court No. - 89

Case :- APPLICATION U/S 482 No. - 38591 of 2023

Applicant :- Kapil

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

Counsel for Applicant :- Shams Uz Zaman

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

1. Counsel for the applicant is permitted to implead opposite party no. 2 in the array of parties during course of the day.
2. Heard learned counsel for the applicant; Sri Imran Ahmad, Advocate on behalf of opposite party no. 2 and learned A.G.A. for the State.
3. The present 482 Cr.P.C. application has been filed to quash the entire proceedings of Case No.1091 of 2012, Case Crime No.239 of 2012, under Sections 451, 354, 511 I.P.C., P.S. Baghpat, District Baghpat, pending in the court of C.J.M. Baghpat.
4. Counsel for the applicant submits that opposite party no.2 lodged F.I.R against the applicant under aforesaid sections alleging therein that applicant misbehaved with opposite party no. 2. It has been next submitted that marriage between the parties was solemnized on 17.08.2012 and they are living together and one child born out of the said wedlock in the year 2013 and the child has attained the age of ten years. Further submission is that the applicant and opposite party no. 2, who is victim of the case, have settled the dispute and entered into compromise. Hence, the proceedings under the aforesaid section should be quashed. A copy of the compromise deed dated 30.09.2023 entered into between the parties has been reduced in writing is annexed as Annexure no. 6 to the present application.
5. Learned AGA does not dispute the correctness of the facts.
6. Accordingly, it is provided that the parties shall appear before the court below with compromise deed along with a certified copy of this order on the next date fixed. It is therefore, expected that the trial court may fix a date for the verification of the compromise entered into between the parties and pass an appropriate order to that effect within next four weeks. It shall be open to the applicants to file a fresh application U/S 482 at that stage for the relief sought herein.
7. In view of the above, the present application is **disposed of**.
8. For a period of five weeks, no coercive measure shall be taken against the applicant.

Order Date :- 17.10.2023

Meenu Singh