

Court No. - 88

Case :- APPLICATION U/S 482 No. - 38762 of 2023

Applicant :- Bhanu Pratap @ Chandrabhan Gangwar And Another

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

Counsel for Applicant :- Arvind Kumar Sahu

Counsel for Opposite Party :- G.A.,Praveen Kumar Srivastava

Hon'ble Sanjay Kumar Singh,J.

1-Heard learned counsel for the applicants, learned Additional Government Advocate for the State of U.P./opposite party no.1 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 summoning order dated 05.12.2022 as well as proceedings of Criminal Complaint Case No. 551 of 2021 (Ram Kumar Versus Bhanu Pratap @ Chandrabhan Gangwar and another), under Sections 420, 504 I.P.C., Police Station Cantt, District Bareilly, pending in the court of Judicial Magistrate-I, Bareilly.

3-It is submitted by the learned counsel for the applicants that opposite party no.2 moved an application under Section 156(3) Cr.P.C. dated 18.06.2021 against the applicants seeking direction to lodge F.I.R. against them, but said application was treated as complaint and learned Magistrate after recording statements under Section 200 and 202 Cr.P.C. summoned the applicants vide order dated 05.12.2022 to face trial, under Sections 420, 504 I.P.C. Thereafter parties concerned have settled their dispute outside the Court.

4-After settlement of dispute between the parties concerned, opposite party no.2 moved an application dated 08.09.2023 before the concerned court below with a prayer to drop the proceedings against the applicants. Copy of said application has been brought on record as Annexure No. 4 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