Court No. - 91

Case :- APPLICATION U/S 482 No. - 39051 of 2023

Applicant :- Kamal Srivastava Alias Sanjeev Srivastava
Opposite Party :- State of U.P. and Another
Counsel for Applicant :- Pramod Kumar Singh,Tripathi B.G. Bhai
Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar,J.

Sri R.C. Pathak, Advocate, has filed his Vakalatnama on behalf of opposite party no. 2, which is taken on record.

Heard learned counsel for applicant, learned counsel for opposite party no. 2 and the learned A.G.A.

This application under Section 482 Cr.P.C. has been filed for quashing the charge sheet dated 18.08.2017, cognizance order dated 21.08.2017 as well as entire proceeding of Criminal Case No. 1402 of 2018 (State vs. Kamal Srivastava @ Sanjeev Srivastava), arising out of Case Crime No. 603 of 2017, under Sections 354, 354-A, 354-D, 452, 323, 504, 506 IPC, Police Station Paikoliya, District Basti, pending in the court of Fast Track Court (Women Related Crime), Basti.

Learned counsel for the applicants submits that the applicant and the opposite party no. 2 have reconciled their differences and a compromise has been entered between them, and the compromise deed is annexed as annexure-5 to the affidavit. Therefore, no useful purpose would be served in continuing the proceedings before the court below and the same is not only sheer wastage of time of the Court but also abuse of process of law.

Learned AGA, however, submits that it is the concerned court below, which has to verify the fact as to whether the parties have entered into compromise, hence the applicants may approach the concerned court below and move an application along with copy of compromise between the parties, which will be decided in accordance with law.

In view of the above, the applicant and the opposite party no. 2 are directed to appear before the court below along with compromise and an application for verification of compromise deed so filed as well as a certified copy of this order within two weeks from today. It is expected that the trial court may fix a date for the verification of the compromise and after ensuring their presence, pass an appropriate order with respect to the same in accordance with law, as expeditiously as possible, preferably within a period of two months from today. While

passing the order verifying the compromise, the concerned court shall also record the statement of the applicants and the opposite party no. 2 as to whether all the terms and conditions mentioned in the original compromise deed, so filed, have been fulfilled or not.

The court in that scenario will allow the applicant and the opposite party no. 2 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.

For a period of two months, no coercive action shall be taken against the applicants in the aforesaid case.

With the aforesaid directions, this application is finally disposed of.

Order Date :- 26.10.2023
v.k.updh.

Digitally signed by :-
VINOD KUMAR UPADHYAY
High Court of Judicature at Allahabad