

Court No. - 88

Case :- APPLICATION U/S 482 No. - 39730 of 2023

Applicant :- Mohd. Mashroor

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

Counsel for Applicant :- Dileep Kumar Shukla

Counsel for Opposite Party :- G.A.,Anil Kumar

Hon'ble Sanjay Kumar Singh,J.

Heard learned counsel for the applicant, learned Additional Government Advocate for the State/opposite party No.1 and learned counsel for opposite party No. 2.

This application under Section 482 Cr.P.C. has been preferred by the applicant with a prayer to quash the charge sheet No. 201 of 2013 dated 18.12.2013, the cognizance/ summoning order dated 10.03.2015 and proceedings of Case No. 562 of 2015 (new Case No. 340 of 2023) (State of U.P. Vs. Mohd. Mashroor), arising out of Case Crime No. 319 of 2013, under Sections 498-A, 452, 323, 504, 506 I.P.C. and Section 3/4 D.P. Act, P.S. Nakhasa, District Sambhal, pending in the court of learned Judicial Magistrate, Court No. 2, Sambhal. .

It is submitted by learned counsel for the applicant that the applicant is husband of opposite party no.2. Their marriage was solemnized on 18.11.2006 but on account of acrimonious relation between them their marriage was not successful. As a result, opposite party no. 2 has lodged a first information report on 07.09.2013, in which after culmination of investigation, charge sheet has been submitted against the applicant on 18.12.2013. Earlier, the matter was referred to mediation vide order dated 13.10.2015 in application under Section 482 Cr.P.C. No. 30829 of 2015 but mediation between the parties concerned have been failed at that time. Thereafter, the said application was disposed of vider order dated 08.03.2016 directing the applicant to appear before the concerned Court below and to obtain bail. Thereafter, applicant has

obtained bail on 11.03.2014. It is next submitted that parties concerned have settled their dispute outside the Court and a compromise application dated 10.08.2023 has also been filed before the concerned Court below. Copy whereof has been brought on record as Annexure no. 6 to the application.

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.

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 applicant to approach this Court again for quashing of the proceedings.

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

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

Order Date :- 2.12.2023

Anurag/-