Court No. - 91

Case :- APPLICATION U/S 482 No. - 39677 of 2023

Applicant :- Santosh Kumar
Opposite Party :- State Of U.P. And 2 Others
Counsel for Applicant :- Avdhesh Narayan Tiwari
Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar,J.

1. Vakalatnama filed today by Sri Prem Kumar, Advocate on behalf of opposite party Nos. 2 and 3 is taken on record.

2. Heard learned counsel for the applicants and learned A.G.A. for the State and perused the record.

3. This application under Section 482 Cr.P.C. has been filed by the applicants to quash the entire proceedings of Case no. 1438 of 2009, arsing out of Case Crime No. 1749 of 2008 and summoning order dated 04.07.2009, under Sections 323, 504, 506, 325 IPC, Police Station Kotwali Orai, District Jalaun in pursuance of compromise.

4. Learned counsel for the applicants submits that the parties have reconciled their differences and a compromise has been entered between them, copy of compromise deed dated 05.10.2023 has been annexed as Annexure-6 to this 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.

5. Learned A.G.A., 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 with respect to compromise between the parties, which will be decided in accordance with law.

6. In view of above, without expressing any opinion on the merit of the case, both the parties are directed to appear before the Court below along with compromise deed as well certified copy of this order within two weeks from today. It is expected that Court below may fix a date for the verification of the compromise and after

ensuring the presence of the parties, 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 the date of production of a certified copy of this order, if there is no other legal impediment. While passing the order verifying the compromise, the Court concerned shall also record the statements of the parties as to whether all the terms and conditions mentioned in the original compromise deed, so filed, have been fulfilled or not?

7. 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.

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

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

Order Date :- 28.10.2023
Suraj Srivastav

Digitally signed by :-
SURAJ SRIVASTAVA
High Court of Judicature at Allahabad