

Court No. - 88

Case :- APPLICATION U/S 482 No. - 39612 of 2023

Applicant :- Shiv Singh And 7 Others

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

Counsel for Applicant :- Sharad Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh,J.

Heard learned counsel for the applicants, learned Additional Government Advocate for the State and perused the record.

This application under Section 482 Cr.P.C. has been filed by the applicants to quash the charge-sheet dated 19.06.2021, cognizance/summoning order dated 12.05.2023 and proceedings of Case No. 15322 of 2023 (State Vs. Shiv Singh) arising out of Case Crime No. 38 of 2021, under Sections 147, 149, 323, 504, 506 IPC, Police Station Jafarganj, District Fatehpur pending in the Court of Additional Civil Judge (Junior Division)/Judicial Magistrate, Court No. 7, Fatehpur.

It is submitted by learned counsel for the applicants that opposite party no. 2 lodged the first information report on 12.05.2021 against the applicants under Sections 147, 149, 323, 452, 504, 506 IPC, in which after culmination of investigation, charge-sheet has been submitted on 19.06.2021 under Sections 147, 149, 323, 504, 506 IPC, on which Magistrate concerned took cognizance and summoned the applicants to face trial vide order dated 12.05.2023. After submission of charge-sheet, the parties concerned entered into a compromise outside the Court. It is also submitted that the compromise application dated 04.10.2023 has been filed before the concerned Court below, where criminal proceeding against the applicants is pending. Said compromise application has been brought on record as Annexure No. 6 to this 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 applicants 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 applicants in the aforesaid case.

With the aforesaid directions the application stands disposed of.

Order Date :- 14.12.2023
Shubham