Court No. - 5

Case :- APPLICATION U/S 482 No. - 40241 of 2023

Applicant :- Radha And 3 Other
Opposite Party :- State of U.P.
Counsel for Applicant :- Nitesh Chaturvedi,Mahesh Kumar
Counsel for Opposite Party :- G.A.

Hon'ble Piyush Agrawal,J.

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

The present application under Section 482 Cr.P.C. has been filed with the prayer to quash the summoning order dated 22.10.2018 and entire subsequent proceedings of the Complaint Case No.684 of 2017 (State Vs. Radha & Ors.), under Sections 323, 452, 504, 506, 406 & 420 IPC, Police Station- Bharthana, District- Etawah.

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 19.08.2023 has been annexed as Annexure 3 to this application wherein it has been mentioned that opposite party no.2 does not want to press the case. 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 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.

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 on 08.11.2023 along with compromise deed as well certified copy of this order. It is expected that Court below shall verify the compromise after ensuring the presence of the parties and 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?

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 connection with Complaint Case No.684 of 2017 (State Vs. Radha & Ors.), under Sections 323, 452, 504, 506, 406 & 420 IPC, Police Station- Bharthana, District- Etawah.

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

Order Date :- 1.11.2023
Pravesh Mishra

Digitally signed by :-
PRAVESH KUMAR MISHRA
High Court of Judicature at Allahabad