

Court No. - 5

Case :- APPLICATION U/S 482 No. - 42746 of 2023

Applicant :- Nandlal Shukla And 3 Others

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

Counsel for Applicant :- Mahendra Pratap Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Piyush Agrawal,J.

Sri Mahendra Kumar Sharma, Advocate has filed his vakalatnama on behalf of the opposite party no.2 today, which is taken on record.

Heard Sri Mahendra Pratap Yadav, learned counsel for the applicants, Sri Mahendra Kumar Sharma, learned counsel for the O.P. No. 2, 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 charge-sheet No.117 of 2016 dated 08.08.2016 as well as entire proceeding of Special Session Trial No. 03 of 2017 (State Vs. Nandlal & Others), arising out of Case Crime No.328 of 2016, under Sections- 323, 504, 506, 325, 452, 354 & 294 IPC and 7/8 of POCSO Act, Police Station- Adalhat, District- Mirzapur, pending in the Court of Special Judge (POCSO) Act, Mirzapur with a further prayer to stay the further proceedings of the aforesaid case.

Learned counsel for the applicants submits that the parties have reconciled their differences and a compromise has been entered into between them, a copy of compromise deed dated 20.09.2023 has already been filed before the Court below and the photo copy of the same has been annexed as Annexure- 4 to this application wherein it has been mentioned that opposite party no.2 does not want to press the case against the applicants. He further submits that except applicant no.4, no case has been made out against the applicants no.1 to 3 under Section 7/8 of POCSO Act and Section 7/8 of POCSO Act has been imposed upon the applicant no.4 only.

In view of the above, relief can be granted only to applicants no. 1 to 3 and the relief sought for applicant no.4 is refused. Therefore, no useful purpose would be served in continuing the proceedings

before the Court below with regard to applicants no.1 to 3 and the same is not only sheer wastage of time of the Court but also abuse of process of law.

Learned counsel for the opposite party no. 2 does not dispute the submissions advanced by the learned counsel for the applicants or the correctness of the documents relied upon by him.

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 no. 1 to 3 may approach the concerned court below 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, applicants no. 1 to 3 and opposite party no.2 are directed to appear before the Court below along with 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, which has already been filed, and after ensuring the presence of the applicants no. 1 to 3 and opposite party no.2, 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 applicants no. 1 to 3 and 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 applicants no. 1 to 3 and opposite party no.2 to obtain certified copy of the report as well as compromise and it will be open to the applicants no. 1 to 3 to approach this Court again after verification of compromise for quashing of the proceedings.

Till verification of compromise between the applicants no. 1 to 3 and opposite party no.2 by the court concerned, no coercive action shall be taken against the applicants no. 1 to 3 in the aforesaid case.

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

Order Date :- 22.11.2023
Pravesh Mishra