

Court No. - 88

Case :- APPLICATION U/S 482 No. - 43129 of 2023

Applicant :- Mohammad Kashif

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

Counsel for Applicant :- Rahul Pandey

Counsel for Opposite Party :- G.A.,Virendra Kumar Nishad

Hon'ble Sanjay Kumar Singh,J.

1. Heard learned counsel for the applicant, learned Additional Government Advocate for the State, learned counsel for the opposite party no.2 and perused the record.

2. This application under Section 482 Cr.P.C. has been filed by the applicant with a prayer to quash the charge-sheet dated 29.09.2021, summoning order dated 23.11.2021 and proceedings of Criminal Case No. 11797 of 2021 (State Vs. Mohd. Kashif), under Sections 420, 467, 468, 471 I.P.C. and Sections 51, 63, 69 Copyright Act, Police Station Dhaulana, District Hapur, pending in the court of Additional Chief Judicial Magistrate, Hapur, on the basis of compromise between the parties concerned.

3. It is submitted by the learned counsel for the applicant that opposite party no.2 lodged F.I.R. on 12.08.2021 against the applicant for the offence under Section 420, 466, 468, 471 I.P.C. and Sections 51, 63 and 69 of Copyright Act, 1957, in which after culmination of investigation charge-sheet has been submitted on 29.09.2021 against him, on which the Magistrate concerned took cognizance on 23.11.2021 and summoned him to face trial. Thereafter, the parties concerned entered into a compromise outside the Court and settlement arrived at between the parties concerned.

4. It is also submitted that the compromise application dated 18.04.2023 has been filed before the concerned court below, where criminal proceeding against the applicant is pending. Said compromise application has been brought on record as Annexure No. 4 to this application.

5. Learned Additional Government Advocate as well as learned counsel appearing on behalf of opposite party No.2 do not dispute the aforesaid facts. Learned counsel for opposite party no.2 submits that opposite party no.2 has filed counter affidavit dated 19.11.2023 in this case stating inter alia that he does not want to contest the present litigation, therefore, criminal proceeding against the applicant may be quashed on the basis of compromise.

6. 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.

7. 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.

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

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

Order Date :- 15.12.2023

Kashifa