

Court No. - 11

Case :- APPLICATION U/S 482 No. - 1562 of 2021

Applicant :- Dharmendra

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

Counsel for Applicant :- P.K. Mishra

Counsel for Opposite Party :- G.A., Anand Kumar Singh, Vivek Pandey

Hon'ble Saurabh Lavania, J.

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

Instant application under Section 482 Cr.P.C. has been preferred by the applicant for quashing of charge sheet No.01/18 dated 23.03.2018 and summoning order dated 14.05.2018 along with criminal proceedings of Case No. 1742 of 2019, (State vs. Dharmendra and others) pending in the Court of Judicial Magistrate, Ambedkar Nagar arising out of Case Crime No. 113 of 2017, under Sections 498A, 323, 504, 506 IPC and 3/4 Dowry Prohibition Act, P.S.-Jahangeerganj, District-Ambedkar Nagar as also to stay the proceedings of aforesaid criminal case.

Learned counsel for the applicant submitted that both the parties have amicably settled their dispute outside the Court and have entered into a compromise and the certified copy of compromise deed, duly signed by the parties, is annexed as Annexure No. 5 to the present application. As such, keeping in view the settlement arrived at between the parties and the law laid down by the Hon'ble Apex Court in this regard, the proceedings impugned are liable to be quashed.

Whether the parties have, in fact, compromised the matter or not, can best be ascertained by the Trial Court as such compromise has to be duly verified in presence of the parties concerned before the Court.

Considering the aforesaid, this application is disposed of finally in following terms:-

(i) The parties to the proceedings i.e. in Case No. 1742 of 2019 shall appear before the concerned Court within two week's from today.

(ii) If the parties appear before the concerned Court in terms of

above, the concerned Court shall proceed to verify the compromise between the parties to the proceedings and prepare a report to the same effect and the original compromise deed be made part of record.

(iii) The concerned Court shall conclude the process of verification of compromise within two week's from the date of production of copy of this order.

(iv) The concerned Court shall permit the parties to the proceedings to obtain the certified copy of the report as well as compromise deed.

(v) It shall be open to the applicants to approach this Court again for quashing of the proceedings.

(vi) For a period of six weeks, no coercive action shall be taken against the applicants in the aforesaid case.

Order Date :- 21.11.2023

Raj