

Court No. - 11

Case :- APPLICATION U/S 482 No. - 862 of 2022

Applicant :- Meva Kahar Alias Meva Lal Kashyap

Opposite Party :- The State Of U.P And Others

Counsel for Applicant :- Surya Narayan Mishra

Counsel for Opposite Party :- G.A.,Shobha Rajpoot

Hon'ble Saurabh Lavania,J.

1. Heard learned counsel fro the applicant, learned A.G.A. for the State and Ms.Shobha Rajpoot, learned counsel for opposite party no. 2.

2. On 02.03.2022, following order was passed:

"1. The petition has been filed under Section 482 CrPC for quashing proceeding of Case No. 373 of 2021 State vs. Meva Kahar, arising out of case crime No.557 of 2014, pending in the court of Addl. Sessions Judge/Special Judge (POCSO Act), Bahraich and charge-sheet dated 7.8.2014 and summoning order dated 15.3.2015.

2. Heard learned counsel for the petitioner and learned A.G.A. for the State. Also heard Ms. Shobha Rajpoot, Advocate who filed vakalatnama for private respondent No.2 which is taken on record.

3. Learned counsel for the petitioner submits that in the year 2014, case crime No.557 of 2014 was registered against the petitioner under sections 354, 506 I.P.C. During investigation, offence under sections 7/8 POCSO Act has been added. It is submitted that the victim is illiterate and as per ossification test, her medical age was 17-18 years at that time.

It is further submitted that the alleged offence had taken place in 2014. The prosecutrix has already married and has been living peacefully with her children and husband. Same is the position with the petitioner and he has also married and is living peacefully. He submits that both the petitioner and respondent No.2 who is the informant and victim of the case are ready to enter into compromise. Learned counsel for respondent No.2 concedes this argument.

4. In view of the above, the petitioner and respondent No.2 are permitted to enter into compromise and file the same along with supplementary affidavit in this court, within a period of four weeks from today.

5. List on 31.3.2022.

6. Till the next date of listing, proceedings impugned shall remain in abeyance."

3. It is stated that after the order dated 02.03.2022, a supplementary affidavit annexing therewith a copy of settlement/compromise dated

05.03.2022 has been filed and taking note of the same the present application be disposed of.

4. 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.

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

(i) The parties to the proceedings i.e. Criminal Case No. 373 of 2021 (State Vs. Meva Kahar), shall appear and file the compromise 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 :- 7.12.2023

Mohit Singh