

Court No. - 11

Case :- APPLICATION U/S 482 No. - 1194 of 2022

Applicant :- Mohammad Ubaid And 8 Others

Opposite Party :- State Of U.P. Thru. Prin.Secy.Dept. Of Home And Another

Counsel for Applicant :- Abdullah Ramzi Khan, Mohammad Saif Niyaz, Umair Ahmad Khan

Counsel for Opposite Party :- G.A., Bir Bahadur Singh, Mohammad Saif Niyaz

Hon'ble Saurabh Lavania, J.

Heard learned counsel for the applicants, learned AGA for the State of U.P. and gone through the record.

The present application under Section 482 Cr.P.C. has been filed for the following main relief:-

"a. The order dated 24.02.2022 summoning the applicant passed in Criminal case no.160 of 2022 (State Vs. Mohammad Ubaid and others under section 498A, 323, 504, 506 I.P.C. and Section 3/4 D.P. Act) pending in the court of Additional Chief Judicial Magistrate-III Lucknow may be quashed/set aside.

b. The entire criminal proceeding of Criminal case no. 160 of 2022 (State Vs. Mohammad Ubaid & others) under section-498A, 323, 504 and 506 I.P.C. and Section-3/4 D.P. Act pending in the court of Additional Chief Judicial Magistrate III, Lucknow may also be quashed/set aside."

It is stated that the parties, out of their own free will, have settled their dispute amicably out of the court and filed a compromise before the Court concerned, a copy of the same is annexed as Annexure No. 1 to the supplementary affidavit dated 08.12.2022. As such, present application may be considered and disposed of in terms of settlement arrived between the parties.

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, in issue, 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 :- 23.11.2023

Vinay/-