

Court No. - 28

Case :- APPLICATION U/S 482 No. - 5357 of 2023

Applicant :- Abhishek Singh

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

Counsel for Applicant :- Manoj Kumar Misra

Counsel for Opposite Party :- G.A.,Atul Kumar Singh

Hon'ble Shree Prakash Singh,J.

Heard Sri Manoj Kumar Misra, learned counsel for the applicant, Sri Atul Kumar Singh, learned counsel for opposite party no. 2, Sri Triveni Prasad, learned A.G.A. for the State and perused the record.

The instant application under Section 482 Cr.P.C. has been filed for quashing of the charge sheet arising out of crime no. 10/2019 U/S 323, 498-A 504, 506 IPC 3/4 D.P. Act P.S. Mandiaon and the order dated 28/04/2023 passed by Learned Judicial Magistrate III Lucknow by means of which he has taken cognizance on the charge sheet and summoned the applicant and also quash the entire proceeding in case no. 43838/2023 State Vs. Abhishek Singh arising out of aforesaid charge sheet and is pending before Learned Judicial Magistrate III Lucknow in the interest of justice. It is further prayed that this Hon'ble Court may kindly be pleased to stay further proceedings in aforesaid case no. 43838/2023 State Vs. Abhishek Singh arising out of crime no. 10/2019 U/S 323, 498-A 504,506 IPC 3/4 DP Act P.S. Mardiaon pending before Learned Judicial Magistrate III Lucknow during the pendency of this application.

Learned counsel appearing for the applicants submits that the applicants are innocent and have falsely been implicated in the instant case. He next added that under some misunderstanding, the instant F.I.R. has been lodged against the applicants and thereafter, the parties have amicably compromised their dispute. The compromise deed has been reduced in writing on 29.09.2023 which has been annexed as annexure no. 1 of the supplementary affidavit dated 04.10.2023 to the instant application. He next added that now there is no grievance in between the parties with each other and the criminal proceedings against the applicants are the futile exercise as there is no fate of trial and that is amount to harassment of the applicants and thus, the criminal proceedings against the applicants may be quashed.

On the other hand, learned counsel appearing for the opposite parties has supported the version of the learned counsel for the applicants and submits that the parties have settled their dispute amicably through a compromise deed and there is no further grievance of the opposite parties against the present applicants and the criminal proceedings against the applicants may be dropped.

Learned A.G.A. appearing for the State has no objection to the contentions aforesaid.

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

Accordingly, this application is disposed of with a direction to the court concerned that if any such compromise is 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 applicants to approach this Court again for quashing of the proceedings.

For a period of one month, the proceedings initiated in pursuance of the Case No. 43838 of 2023 shall remain stayed so far as applicants are concerned.

The trial Court is directed for ensuring the fact that all the parties against whom the chargesheet was filed are present before the trial Court and a report with respect to this effect shall also be sent along with verification order.

Office is directed to return the original compromise deed to the learned counsel for the applicants, if any, after taking the photocopy of the same.

Order Date :- 2.11.2023

Anurag