

Court No. - 11

Case :- APPLICATION U/S 482 No. - 6339 of 2023

Applicant :- Gaurav Upadhyay And Others

Opposite Party :- State Of U.P. Thru. The Addl. Chief Secy. Home Deptt. Lko. And Another

Counsel for Applicant :- Shamshad Ahmad Khan

Counsel for Opposite Party :- G.A.,Mahesh Kumar Sharma

Hon'ble Saurabh Lavania,J.

1. Heard.

2. Instant application under Section 482 Cr.P.C. has been preferred by the applicants/petitioners for the following relief:

"to set aside/quash the impugned cognizance and summoning order dated 03.11.2022 passed by the learned Judicial Magistrate- Third, Lucknow in W/S Crl. Case No.121639 of 2022, State Versus Vikas Dubey & others" thereby taking cognizance on the Charge Sheet dated 02.03.2022 filed in Case Crime No.321 of 2021 U/S 147, 148, 149, 323, 342, 506 & 427 I.P.C. and section-7 Criminal Law (Amendment Act) Police Station Alambagh, District Lucknow Central (Commissionerate Lucknow) as well as charge sheet dated 02.03.2022 as contained in Annexure no.1 and 2 respectively to this petition and further the entire criminal proceedings of W/S Crl. Case No.121639 of 2022, State Versus Vikas Dubey & others" pending before the learned Judicial Magistrate-III, Lucknow be also set aside/quashed, so far it relates to the petitioners, in terms of the compromise deed dated 06.02.2023 as contained in Annexure no.4 to this petition, otherwise, the petitioner would suffer irreparable loss and injury which cannot be made good in or any event."

3. Learned counsel for the applicants submitted that both the parties have amicably settled their dispute outside the Court and have entered into a compromise and a copy of compromise deed, duly signed by the parties, is annexed as Annexure No. 4 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.

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. Crl. Case No.121639 of 2022 (State Versus Vikas Dubey & others), 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