

Court No. - 28

Case :- APPLICATION U/S 482 No. - 9547 of 2023

Applicant :- Deepak Kumar And Another

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

Counsel for Applicant :- Neeraj Singh

Counsel for Opposite Party :- G.A., Akhilendra Kumar
Goswami

Hon'ble Shree Prakash Singh, J.

Supplementary affidavit filed today by the counsel for the applicant is taken on record.

At the very outset, the learned counsel appearing for the applicants submits that due to typographical error in the memo of the application as well as the supplementary affidavit, Section 7 of Criminal Law Amendment Act has been left to be transcribed along with other Sections. He submits that he may be permitted to correct the same during the course of the day.

The learned counsel appearing for the State has no objection to the contention aforesaid.

In view of the aforesaid submissions, the counsel for the applicant is permitted to correct the aforesaid during the course of the day.

Heard Sri Neeraj Singh, learned counsel for the applicants, Sri Akhilendra Kumar Goswami, learned counsel for opposite party no. 2, Sri Girijesh Kumar Dwivedi, learned A.G.A. for the State and perused the record.

The instant application under Section 482 Cr.P.C. has been filed with a prayer to quash the entire proceedings of Sessions Trial No. 159 of 2016, arising out of Case Crime No. 837 of 2015, under Sections 308, 323, 504, 506 of IPC and Section 7 of CLA Act, relating to Police Station Kotwali, District Unnao, pending in the Court of learned Additional District and Sessions Judge-I, Unnao, as well as the impugned chargesheet no. 367 of 2015, dated 09.09.2015, submitted against the petitioners, under Section 308, 323, 504 and 506 of IPC and Section 7 of CLA Act, by the Investigating Officer in the aforesaid case crime number, in the light of compromise.

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 05.10.2023 which has been annexed as annexure no. 04 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 Crime No. 837 of 2015, 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 :- 11.10.2023

Anurag