

Court No. - 12

Case :- APPLICATION U/S 482 No. - 9934 of 2023

Applicant :- Mukesh Singh

Opposite Party :- State Of U.P. Thru. Prin. Secy. (Home) Lko.
And Another

Counsel for Applicant :- Atul Tripathi, Saurabh Misra

Counsel for Opposite Party :- G.A., Amit Yadav

Hon'ble Rajeev Singh, J.

1. Heard learned counsel for the applicant, learned counsel for private respondent as well as learned A.G.A. for the State and perused the record.

3. The instant application has been filed for quashing the charge-sheet dated 01.07.2020 filed in Case Crime No.213 of 2020, under Sections 406/419/420 I.P.C., Police Station Sarojini Nagar, District Lucknow as well as summoning order dated 10.08.2020 passed by Judicial Magistrate-III, Lucknow.

2. On 11.10.2023, following order was passed:

"1. Vakalatnama filed by Shri Amit Yadav, Advocate on behalf of opposite party no.2 is taken on record.

2. List this case on 18.10.2023.

3. In the meantime, learned counsel for the applicant may file supplementary affidavit explaining the criminal history of the applicant.

4. On the next date, parties shall appear in person before this Court. "

3. In compliance of the aforesaid direction, applicant as well as private respondent are present.

4. Learned counsel for the applicant submitted that the applicant is Chief Managing Director of M/s Vastum Infraland India Pvt. Ltd. and also Director in M/s Lucknow Colonisers Pvt. Ltd. He further submitted that due to misunderstanding, F.I.R. in question was lodged by the private respondent related to the possession over the property which was purchased by the private respondent from the applicant and now the issue has already been resolved and possession over the property in dispute has already been taken by the private respondent on 08.10.2020 as well as both the parties have amicably compromised their dispute. The compromise which has taken place between the parties is also filed before this Court as Annexure No.19 to the application. He further submitted that

during the pandemic COVID-19, in the identical manner, several other cases were lodged against the applicant due to misunderstanding and most of the cases have been quashed as the issues were resolved between the parties.

5. Learned A.G.A. opposed the prayer of applicant and submitted that after detailed investigation, charge sheet has been filed but he does not dispute this fact that by way of compromise, issue has been resolved between the parties.

6. Learned counsel for the private respondent as well as private respondent himself are present before this Court and conceded this fact that issue has already been resolved and possession over the property in question has already been taken by the private respondent on 08.10.2020 and he has no objection, in case, the proceedings are quashed.

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

8. Accordingly, this application is **disposed of** with a direction to the trial 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.

9. The court concerned 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.

10. For a period of one month, no coercive action shall be taken against the applicants in the aforesaid case.

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

Order Date :- 18.10.2023

V. Sinha