

Court No. - 28

Case :- APPLICATION U/S 482 No. - 10333 of 2023

Applicant :- Syed Rashid Ali

Opposite Party :- State Of U.P Thru. Addil. Chief Secy. Home Civil
Secrt. Lko. And Another

Counsel for Applicant :- Manoj Kumar Dubey, Deena Nath Mishra

Counsel for Opposite Party :- G.A., Mohd. Nafees

Hon'ble Shree Prakash Singh, J.

Sri Mohd. Nafees, Advocate, has put in appearance by way of filing Vakalatnama on behalf of opposite party no. 2 and the same is taken on record.

Heard learned counsel for the applicant, Sri Mohd. Nafees, learned counsel for the opposite party no. 2, Sri Attarey Tripathi, learned A.G.A. for the State and perused the record.

The instant application under Section 482 Cr.P.C. has been filed with the prayer to quash the criminal proceedings arising out of the Case Crime No. 169 of 2019, lodged under sections 498-A, 323, 504, 506 of I.P.C. read with 3/4 of the Dowry Prohibition Act and the chargesheet dated 11-08-2019 in Case Crime No. 169/2019, lodged under sections 498-A, 323, 504, 506 of I.P.C. read with section 3/4 of the Dowry Prohibition Act and the criminal proceedings arising out of Case Crime No. 454 of 2019, lodged under sections 504, 506 of I.P.C. as well as Section 3/4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019, pending in the court of Additional Chief Judicial Magistrate, CBI/Ayodhya Prakaran, Lucknow.

Learned counsel appearing for the applicant submits that the applicant is innocent and has falsely been implicated in the instant case. He next added that due to some misunderstanding, the instant F.I.R. has been lodged against the applicant and thereafter, the parties have amicably compromised their dispute. The compromise deed has been reduced in writing on 17-08-2022, which has been annexed as annexure no. 3 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 applicant are the futile exercise as there is no fate of trial and that is amount to harassment of the applicant and thus, the criminal proceedings against the applicant, may be quashed.

On the other hand, learned counsel appearing for the opposite party no. 2 has supported the version of the learned counsel for the applicant 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 applicant and the criminal proceedings against the applicant 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 two months, the proceedings initiated in pursuance of Case Crime No. 169 of 2019, lodged under sections 498-A, 323, 504, 506 of I.P.C. read with 3/4 of the Dowry Prohibition Act and the chargesheet dated 11-08-2019 in Case Crime

No. 169/2019, lodged under sections 498-A, 323, 504, 506 of I.P.C. read with section 3/4 of the Dowry Prohibition Act and the criminal proceedings arising out of Case Crime No. 454 of 2019, lodged under sections 504, 506 of I.P.C. as well as Section 3/4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019, pending in the court of Additional Chief Judicial Magistrate, CBI/Ayodhya Prakaran, Lucknow.

The trial court is further 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 copy of original compromise deed to learned counsel for the applicant forthwith.

Order Date :- 19.10.2023
AKS