

Court No. - 27

Case :- APPLICATION U/S 482 No. - 10547 of 2023

Applicant :- Babu Ram Agarwal And Another

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

Counsel for Applicant :- Mohammad Azam Siddiqui, Sri Niwas Jaiswal

Counsel for Opposite Party :- G.A.

Hon'ble Brij Raj Singh, J.

1. Vakalatnama filed by Sri Sriniwas Jaiswal, Advocate, on behalf of opposite party no.2, is taken on record.

2. Heard Ms. Anam Ansari, Advocate, holding brief of Sri Mohammad Azam Siddiqui, learned counsel for the applicants, Sri Sriniwas Jaiswal, learned counsel for opposite party no.2, Sri Girijesh Dwivedi, learned A.G.A.-I for the State and perused the record.

3. The instant application under Section 482 Cr.P.C. has been filed with prayer for quashing charge sheet of Case No. 192/2021, State Vs. Babu Ram & another, FIR/Crime No. 105/2021, U/s 452, 323, 504 IPC, PS- Naka Hindola, Lucknow, pending in the Court of Special A.C.J.M., C.B.I. (A.P.), Lucknow; as well as for quashing the entire proceedings of the Case No. 192/2021 (State Vs. Babu Ram & Another), FIR/Crime No. 105/2021, U/s 452, 323, 504 IPC, Police Station- Naka Hindola, District- Lucknow, pending in the Court of Special A.C.J.M. C.B.I. (A.P.), Lucknow, on the basis compromise entered into between the parties.

4. 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 settled their dispute. The compromise deed has been reduced in writing on 12.10.2023, which has been annexed as annexure no.4 to the instant application. He next added that now there is no grievance in between the parties and the criminal proceedings against the applicants are the futile exercise as there is no fate of trial, thus, the criminal proceedings against the applicants may be quashed.

5. Learned counsel appearing for the opposite parties has also 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 applicants, therefore, the

criminal proceedings against the applicants may be dropped.

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

7. 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.

8. As such, the parties are directed to appear before the court below on 06.11.2023 to file the compromise for verification.

9. 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 deed, requiring their personal presence and, thereafter, proceed to verify the compromise deed. If the aforesaid compromise deed is verified, a report to that effect shall be prepared by the court and the compromise deed will be made part of the record.

10. The court in that scenario will allow the parties to obtain certified copy of the report as well as compromise deed and it will be open to the applicants to approach this Court again for quashing of the proceedings.

11. For a period of three months, the proceedings against the applicants, arising out of aforesaid case crime number, shall remain stayed.

12. The trial Court is further directed to ensure whether all the parties, against whom the charge sheet was filed, are present before the trial court and a report to this effect shall also be sent along with the verification order within a period of two months.

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

Order Date :- 30.10.2023

Manoj K.