

Court No. - 12

Case :- APPLICATION U/S 482 No. - 11345 of 2023

Applicant :- Anju Rastogi

Opposite Party :- State Of U.P. Thru. Prin. Secy. Deptt. Of Home Lko. And 2 Others

Counsel for Applicant :- Rohit Upadhyay

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

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

2. The present application has been filed for quashing the entire criminal proceeding of CrI. Case No.998 of 2021 arising out of Case Crime No.381 of 2018 U/s 323, 504, 506, 308 I.P.C., Police Station- Kotwali Sitapur, District- Sitapur as well as charge-sheet dated 31.05.2018 and order dated 01.07.2021 passed by learned Chief Judicial Magistrate, Lucknow.

3. Learned counsel for the applicant submits that the compromise between the party was executed on 18.11.2022, thereafter, an application U/s 482 Cr.P.C. No.9314 of 2022 was filed before this Court which was disposed of on 13.12.2022 with the direction to court concerned that if any such compromise is filed before it, notices be issued to all the concerned parties including the injured or victim, if any, 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 concerned and the compromise will be made part of the record. He further submits that the aforesaid order was placed before the trial court for verification of the contents of compromise. It is further submitted that on 09.05.2023, one party i.e. Salik Ram Rastogi was died and the compromise was verified by learned Chief Judicial Magistrate, Sitapur. It is, thus, submitted that the impugned proceedings may be quashed.

4. Learned A.G.A. raises preliminary objection and submits that there was specific order that the contents of compromise be verified in presence of the parties but it is admitted fact that Salik Ram Rastogi (one party) was died on 09.05.2023 and Suresh Prasad Pandey, Advocate was not a witness nor verified the contents of compromise, therefore, the verification order is futile one.

5. After advancing arguments at this stage, learned counsel for the applicant prays that he may be permitted to withdraw the application.

6. The application is, accordingly, **dismissed as withdrawn** with liberty to take appropriate remedy.

Order Date :- 18.11.2023

Arpan