

Court No. - 28

Case :- APPLICATION U/S 482 No. - 10729 of 2023

Applicant :- Shakeel Ahmad And 2 Others

Opposite Party :- State Of U.P. Thru. Prin. Secy. Deptt. Homes Govt. U.P. Lko. And Another

Counsel for Applicant :- Vivek Kumar Rai

Counsel for Opposite Party :- G.A.,Ajai Kumar

Hon'ble Shree Prakash Singh,J.

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

Heard Sri Fazal Haider Zaidi, learned counsel for the applicants, Sri Ajai Kumar, learned counsel for the opposite party no. 2 and perused the material placed on record.

The instant application under Section 482 Cr.P.C. has been filed for the following reliefs:-

1) To quash the impugned charge-sheet bearing no. 01 of 2021 dated 28.10.2021 submitted by the Investigating Officer in FIR No. 0108 of 2021 under Sections 147, 323, 504 of IPC against the petitioners P.S. Aminabad, District Lucknow pending before Learned Court of Additional Chief Judicial Magistrate-II, Lucknow bearing Case No.90492 of 2022 titled as State of UP. versus Shakeel Ahmad and others.

2) Quash the summoning order dated 23.09.2022 to the extent it has been passed against the petitioners by the Learned Court of Judicial Magistrate-III, Lucknow without application of judicial mind in Criminal Case No. 90492 of 2022 titled as State of UP. versus Shakeel Ahmad and others arises out of FIR No. 0108 of 2021 under section 147, 323, 504 I.P.C. against the petitioners P.S. Aminabad, District: Lucknow and the trial of which is pending before the court of Learned Additional Chief Judicial Magistrate- II, Lucknow.

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 30.08.2023 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 Criminal Case No. 90492 of 2022, 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 :- 8.11.2023

Anurag