

Court No. - 13

Case :- APPLICATION U/S 482 No. - 10827 of 2023

Applicant :- Harinam Babu Mishra

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

Counsel for Applicant :- Umesh Singh, Savitra Vardhan Singh

Counsel for Opposite Party :- G.A.

Hon'ble Karunesh Singh Pawar, J.

1. Heard learned counsel for the applicant and learned counsel for respondent No.2 Mr. Ajeet Kumar Singh who filed vakalatnama today in court which is taken on record, as also learned A.G.A., and perused the record.

2. The instant petition has been filed by the applicants with a prayer to quash the proceedings of Case No. 5819 of 2018 State vs. Harinam Babu Mishra and others arising out of charge sheet dated 5.1.2018 filed in case crime No.409 of 2017 under section 307, 504 I.P.C., P.S. Hargaon, district Sitapur as also summoning order dated 20.9.2018 and NBW order dated 8.10.2023.

3. Learned counsel for the petitioner submits that the dispute between the parties has been amicably resolved outside the court by way of compromise which is on record. It is submitted that on the basis of the compromise, the impugned proceedings are liable to be quashed.

4. Learned counsel for respondent No.2 concedes that the dispute has been amicably settled between the parties and he has no objection if the impugned proceedings are quashed on the basis of compromise after its verification from the competent court.

Learned A.G.A has also no objection in case the impugned proceedings are quashed on the basis of compromise, subject to its verification by the concerned court.

5. Accordingly, having due regard to the submissions made by the parties' counsel, perusal of the compromise as also considering the law laid down by Supreme Court in (2012)10 SCC 303 **Gian Singh versus State of Punjab and another**, the petition is disposed of with direction to the parties to appear before the trial court on 17.11.2023,

which shall verify the compromise in presence of the parties within the next one week. The trial court shall provide a copy of the verification report to the parties. A copy of compromise be placed on record of the trial court. It will be open to the applicants to approach this Court again for quashing of the proceedings.

For a period of one month, impugned proceedings shall remain in abeyance.

6. Office is directed to return original copy of the compromise to learned counsel for the petitioner and retain a photocopy thereof, under Rules of the Court.

Order Date :- 3.11.2023

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