

Court No. - 13

Case :- APPLICATION U/S 482 No. - 10826 of 2023

Applicant :- Avdhesh Pandey And Another

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

Counsel for Applicant :- Anuj Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Karunesh Singh Pawar,J.

1.Heard learned counsel for the applicants and learned counsel for respondent Nos.2 and 3 Mr. Vinod Kumar Yadav who has 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 Crl. Case No. 120992 of 2022 State vs. Avdhesh Pandey and another arising out of case crime No.67 of 2022 under sections 323, 325, 506 I.P.C., P.S. Babu Banarsee Das, district Lucknow pending in the court of ACJM-III, Lucknow as also charge sheet dated 8.7.2022 and cognizance order dated 8.12.2022.

3.Learned counsel for the petitioners submits that respondent No.2 is complainant of the case and respondent No.3 is the victim of occurrence. The petitioners and respondents 2 and 3 have 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 Nos.2 and 3 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 petitioners and retain a photocopy thereof, under Rules of the Court.

Order Date :- 3.11.2023
kkb/