

Court No. - 28

Case :- APPLICATION U/S 482 No. - 11033 of 2023

Applicant :- Pankaj Kumar Shukla Alias Pankaj Shukla

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

Counsel for Applicant :- Dheerendra Kr. Agnihotri

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

Hon'ble Shree Prakash Singh, J.

1. Sri Pramod Kumar, Advocate has put in appearance by filing Vakalatnama on behalf of opposite party no. 2 and the same is taken on record.

2. Heard Sri Dheerendra Kr. Agnihotri, learned counsel for the applicant, Sri Pramod Kumar, learned counsel for opposite party no. 2, Sri Sanjay Kumar Yadav, learned AGA for the State and perused the record.

3. Instant application has been filed with a prayer to quash the Charge Sheet No. 01/2023, dated 28.03.2023, in Session Trial No. 1203 of 2023, arising out of Case Crime No. 0488 of 2022, U/s 328, 376(2), 377, 323, 506, 313, 504 IPC and U/s 3(2)(v) of S.C./S.T. Act, P.S.- Ashiyana, Distt. Lucknow including entire proceedings initiated in pursuance thereof and further prayed to quash the entire proceeding of Session Trial No. 1203 of 2023 arising out of Case Crime No. 0488 of 2022, U/s 328, 376(2), 377, 323, 506, 313, 504 IPC and U/s 3(2)(v) of S.C./S.T. Act, P.S.- Ashiyana, Distt. Lucknow.

4. Learned counsel appearing for the applicant submits that an FIR was lodged against the applicant and against 11 other accused persons and after the investigation, the chargesheet has been filed against the applicant only. He added that later on the parties sat together and have amicably settled their dispute as the marriage has been performed in between the applicant and the complainant and a copy of the marriage registration certificate is annexed as annexure no. 8 to the instant application. He next added that now the applicant and the alleged prosecutrix is living as husband and wife and there is no dispute in between them and allowing the further proceedings against applicant would vanish the marital life of the applicant and the complainant.

5. In support of his contention, he has placed reliance on a

judgment rendered in **Vishwas Bhandari v. State of Punjab and another** reported in **(2021) 2 Supreme Court Cases 605, Criminal Appeal No.105 of 2021, dated 03.02.2021** and submits that the case of the present applicant is squarely covered with the ratio of the judgment above-said, thus, submission is that criminal proceedings against the applicant may be quashed.

6. On the other hand, learned counsel appearing for the opposite party no. 2 has supported the version of the learned counsel for the applicant and submits that the parties have settled their disputes through the compromise deed and thus, the criminal proceedings against the applicant may be dropped.

7. Learned A.G.A. appearing for the State has opposed the case on merits but he has no objection if the parties have settled their dispute and they have performed marriage.

8. 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.

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 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.

10. 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 applicant to approach this Court again for quashing of the proceedings.

11. For a period of two months, the proceedings initiated in pursuance of Session Trial No. 1203 of 2023, arising out of Case Crime No. 0488 of 2022, U/s 328, 376(2), 377, 323, 506, 313, 504 IPC and U/s 3(2)(v) of S.C./S.T. Act, P.S.- Ashiyana, District Lucknow, shall remain stayed so far as applicant is concerned.

12. Learned counsel appearing for the opposite party has also supported the version of the counsel for the applicant and submits that the complainant-injured has no grievance to the applicant and they have settled their dispute and thus, the criminal proceedings against the applicant may be dropped.

13. Office is directed to return the original compromise deed to the learned counsel for the applicant, if any, after taking the photocopy of the same.

Order Date :- 7.11.2023

Mayank