

Court No. - 12

Case :- APPLICATION U/S 482 No. - 11167 of 2023

Applicant :- Kripashankar Yadav And Others

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

Counsel for Applicant :- D.P. Dutt Tiwari, Deepika Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

1. Sri Mayank Singh, Advocate filed Vakalatnama on behalf of opposite party no.2 is taken on record.

2. Heard learned counsel for the applicants, learned counsel for opposite party no.2 as well as learned A.G.A. for the State and perused the record.

3. The instant application has been filed with following prayer:-

"to quash/set aside impugned Charge sheet No. 212 of 2001 dated 01.10.2001 arising out of Case Crime No. 044 of 2001 under section- 323, 504, 506, 2 of Indian Penal Code, & 3 (1) (x) Scheduled Castes and Tribes (Prevention of Atrocities) Act, Police station -Malihabad, District-Lucknow, which has been filed before the Learned Special Judge S. C./S. T. Act, Lucknow, and entire criminal proceeding of Special Trial No.701/2004 (State Versus Kripashankar Yadav & others) registered against petitioners on the basis aforesaid charge sheet, pending before Learned Special Judge S. C./S. T. Act, Lucknow, on the basis of compromise between Petitioners and Opposite Party No.2 to 4, to prevent abuse of process of Court or otherwise to secure ends of justice.

It is further prayed that this Hon'ble Court may kindly be pleased to stay the proceeding of Special Trial No. 701/2004 (State Versus Kripashankar Yadav & others), pending before Learned Special Judge S. C./S. T. Act, Lucknow, during the pendency of the present case."

4. Learned counsel for the applicants submits that both the parties have amicably compromised their dispute. The compromise which has taken place between the parties is also filed before this Court as Annexure No.4 to the application.

5. Whether the parties have, in fact, compromised the matter or not, can best be ascertained by the trial court concerned as such compromise has to be duly verified in presence of the parties concerned before the Court.

6. Accordingly, this application is **disposed of** with a direction to the trial 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.

7. The court concerned 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.

8. For a period of one month, no coercive action shall be taken against the applicants in the aforesaid case.

9. Office is directed to return the original compromise deed to the learned counsel for the applicants, after taking the photocopy of the same.

Order Date :- 9.11.2023

Vipul