Court No. - 28

Case :- APPLICATION U/S 482 No. - 11262 of 2023

Applicant :- Abhishek Trivedi And Others
Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko. And Another
Counsel for Applicant :- Bharat Kumar Dixit
Counsel for Opposite Party :- G.A.

Hon'ble Shree Prakash Singh,J.

1. Ms. Saakshi Pandey, advocate, has put in appearance by way of filing vakalatnama on behalf of opposite party no. 2 and the same is taken on record.

2. Heard learned counsel for the applicants, Ms. Saakshi Pandey, learned counsel for opposite party no. 2 , Shri Sanjay Kumar, learned A.G.A. for the State and perused the record.

3. The instant application under Section 482 Cr.P.C. has been filed for thereby quashing the impugned charge sheet no.01 of 2022, as well as entire proceeding of the Criminal Case- No. 15145 Of 2023 concerning Case Crime No. 335 Of 2022, pending in the Learned Court C.J.M, Raebareli Under Section 498-A, 323, 504, 506, 308 IPC and D.P Act Police Station Kotwali Nagar, District Raebareli.

4. 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 29.10.2023, which has been annexed as annexure no. 4 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.

5. 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.

6. Learned A.G.A. appearing for the State has no objection to the contentions aforesaid.

7. 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.

8. 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.

9. 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.

10. For a period of two months, the proceedings initiated in pursuance of the Case Crime No. 335 Of 2022Under Section 498-A, 323, 504, 506, 308 IPC and D.P Act Police Station Kotwali Nagar, District Raebareli, shall remain stayed so far as applicants are concerned.

11. The trial Court is directed to examine the fact that whether all the parties against whom the chargesheet was filed, the party in the compromise and in this respect, it shall also sent a report along with the verification order.

12. 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 :- 9.11.2023
-Amit K-

Digitally signed by :-
AMIT KUMAR
High Court of Judicature at Allahabad,
Lucknow Bench