

Court No. - 12

Case :- APPLICATION U/S 482 No. - 11296 of 2023

Applicant :- Virendra Kumar

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

Counsel for Applicant :- Santosh Kumar Kanaujia

Counsel for Opposite Party :- G.A., Tufail Ahmad

Hon'ble Rajeev Singh, J.

1. Heard learned counsel for the applicant, learned counsel for opposite party nos.2 & 3, learned A.G.A. for the State and perused the record.

2. The instant application has been filed for quashing the entire criminal proceedings on the basis of compromise of S.T. No. 40 of 2022 as well as summoning order dated 16.12.2020 passed by learned Additional Chief Judicial Magistrate-II, Lucknow and charge-sheet dated 30.03.2019 arising out of Case Crime No. 764 of 2018 U/s 363, 366 I.P.C., Police Station-Gosainganj, District- Lucknow.

3. On 16.11.2023 following order was passed:-

"1. Vakalatnama filed by Mohd. Tufail Ahmed, Advocate on behalf of opposite party nos.2 & 3 is taken on record. Office is directed to show his name as the counsel for opposite party nos.2 & 3 in the next cause list.

2. List this case on 21.11.2023.

3. On the next date, applicant and opposite party nos.2 & 3 shall appear in person before this Court."

4. In pursuance of aforesaid order, applicant and opposite party no.2 are present today before this Court. They have been duly identified by their respective counsels.

5. Learned counsel for the applicant as well as learned counsel for the opposite party nos. 2 & 3 jointly submits that victim herself stated that her marriage has already been solemnised with applicant and now, she does not want to prosecute him; they are enjoying their matrimonial life and have one kid who is aged about three years. They also submit that written compromise is also executed between the parties on 30.10.2023, hence, the criminal trial would be futile one.

6. Learned counsel for the applicant 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.7 to the application.

7. 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.

8. 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.

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

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

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

Order Date :- 30.11.2023

Arpan