

Court No. - 11

Case :- APPLICATION U/S 482 No. - 11409 of 2023

Applicant :- Shaiba Zaidi And 2 Others

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

Counsel for Applicant :- Shahid Raza

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

Sri Santosh Kumar Bhatt, Advocate, has put in appearance for the private opposite party no. 2 and has filed his Vakalatnama, which is taken on record.

Heard learned counsel for the applicants, learned AGA for the State and perused the record.

By means of instant application under Section 482 Cr.P.C., the applicants have prayed for the following main reliefs:-

"Wherefore it is most respectfully prays that Hon'ble this court kindly be quash the impugned Chargsheet alongwith cognizance order dated-22-10-2020 passed by J.M-II Lucknow Criminal Case NO-43831/2020 (State versus Shaiba Zaidi & others) arising out of case crime No.- 320/2020 under section 352, 504, 506 L.P.C Police station -Para. District- Lucknow. Presently pending before Court of J.M.-II, Lucknow on basis of settlement in the interest of justice.

It is further prayed that Hon'ble this court kindly be stayed the further proceeding of criminal case No.-43831/2020 (State versus Shaiba Zaidi and others) pending before Court of J.M.II Lucknow arising out of case crime No.-320/2020 under section 352,504, 506, 1.P.C. Police Station -Para, District Lucknow in the interest of justice.

It is further prays that Hon'ble this court kindly be quash the entire proceeding of case No.-43831/2020 under section 352,504,, 506 I.P.C, (State Vs. Shaiba Zaidi & Other's) arising out of case crime No 320/2020, Police Station -Para,Lucknow pending before Court of J.M.II, Lucknow, in the interest of justice."

Learned counsel for the applicants submitted that both the parties have amicably settled their dispute outside the Court and

have entered into a compromise and a copy of compromise deed, duly signed by the parties, is annexed as Annexure No. 6 to the present application. As such, keeping in view the settlement arrived at between the parties and the law laid down by the Hon'ble Apex Court in this regard, the proceedings impugned are liable to be quashed.

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

Considering the aforesaid, this application is disposed of finally in following terms:-

(i) The parties to the proceedings in issue shall appear and file the compromise before the concerned Court within two week's from today.

(ii) If the parties appear before the concerned Court in terms of above, the concerned Court shall proceed to verify the compromise between the parties to the proceedings and prepare a report to the same effect and the original compromise deed be made part of record.

(iii) The concerned Court shall conclude the process of verification of compromise within two week's from the date of production of copy of this order.

(iv) The concerned Court shall permit the parties to the proceedings to obtain the certified copy of the report as well as compromise deed.

(v) It shall be open to the applicants to approach this Court again for quashing of the proceedings.

(vi) Office is directed to provide original compromise to the counsel for the applicants, after retaining its photocopy on record. It is for the purposes for its verification by the concerned Court.

(vii) For a period of six weeks, no coercive action shall be taken against the applicants in the aforesaid case.

Order Date :- 21.11.2023

Arun/-