

Court No. - 11

Case :- APPLICATION U/S 482 No. - 11946 of 2023

Applicant :- Mohd. Sahim Khan And Another

Opposite Party :- State Of U.P. Thru. Addil. Chief Secy. Deptt. Home Govt. Civil Sectr. Lko. And 3 Others

Counsel for Applicant :- Prithvish Mishra, Pradeep Kumar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania, J.

Vakalatnama filed by Sri Anil Kumar Yadav, Advocate on behalf of opposite party No.2-informant/complainant is taken on record.

Heard learned counsel for the applicant, learned AGA for the State of U.P. and gone through the record.

The present application under Section 482 Cr.P.C. has been filed to quash the summoning order dated 20.09.2016 passed by Special Judge POCSO Act/District and Sessions Judge, Court No.5, Lucknow in Sessions Trial No. 839 of 2016, Case Crime No. 106 of 2014 under Sections 354, 342, 323, 504, 506 IPC and under Section 3(1)XI of SC/ST Act and under Section 7/8 of POCSO Act, Police Station-PGI, District-Lucknow as well as quash the charge sheet No. 140 of 2014 dated 26.07.2014 pending before Special Judge POCSO Act/District and Sessions Judge, Court No.5, Lucknow.

It is stated by the learned counsel for the parties that earlier applicants approached this Court by means of APPLICATION U/S 482 No. - 6171 of 2022 and this Court after considering the facts and circumstances of the case disposed of the said application vide order dated 25.11.2022 with direction to the concerned court to verify the compromise/settlement and prepare a report in this regard and liberty was also granted to the applicants to approach this Court on the basis of said verified compromise/settlement.

The order dated 25.11.2022, referred by the learned counsel for the parties, passed in APPLICATION U/S 482 No. - 6171 of 2022 reads as under:-

"Heard learned counsel for the applicants, Sri Anil Kumar Yadav, learned counsel for opposite party no.2 and learned A.G.A. for the State.

The instant application has been filed by the applicants for quashing the entire proceedings of Special Trial No.839/2016, arising out of Crime No.106/2014, under Sections 354, 342, 323, 504 & 506 I.P.C. and Sections 3(1)XI SC/ST Act and 7/8 POCSO Act, Police Station P.G.I., District Lucknow.

Learned counsel for the applicants as well as learned counsel for opposite party no.2 jointly submit that nothing as alleged has been committed by the applicants, however, the applicant and the complainant have entered into a compromise on 01.09.2022. They have settled their dispute amicably out of the Court and have decided not to contest the case against each other. Copy of the compromise dated 01.09.2022 is on record as Annexure No.4 to the instant application.

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 concerned parties before the court below. Accordingly, this application is finally disposed of with a direction to the court concerned that if any such compromise is filed before it, notices be issued to all the concerned parties 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 concerned and the compromise will be made part of the record.

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.

The Registry of the Court is directed to return the original compromise deed annexed with the instant application to the learned counsel for the applicants after retaining a photocopy of the same on record.

During the process of verification of the aforesaid compromise, impugned summoning order dated 20.09.2016 and any process issued, pursuant thereto shall not be given effect to qua the applicants."

It is further submitted that in terms of order of this Court dated 25.11.2022, the trial court has verified the compromise/settlement on 09.08.2023, which is evident from annexure No.7, a copy of the order of trial court dated 09.08.2023.

It is also stated that the FIR in issue, which is the basis of criminal proceedings pending before the trial court, was lodged on account of some dispute between the parties and now the opposite party No.2/ complainant/informant married to one Rakesh Kumar, has no grievance against the applicants.

In the aforesaid facts and circumstances of the case, indulgence of this Court is required else pending proceedings would affect marital life of opposite party No.2/ complainant/informant.

For the purposes of quashing the pending proceedings on the

basis of compromise/settlement, learned counsel for the parties placed reliance on the judgments of the Apex Court in the case(s) of ***Romgopal and others Vs. State of Madhya Pradesh, 2022 (1) SCJ 536, Gian Singh Vs. State of Punjab [2012 10 SCC 303], Mohd. Ibrahim Vs. State of U.P., 2022 SCC Online ALL 106, Gold Quest International Ltd. Vs. State of Tamilnadu, 2014 (15) SCC 235, B.S. Joshi Vs. State of Haryana, 2003 (4) SCC 675, Jitendra Raghuvanshi Vs. Babita Raghuvanshi, 2013(4) SCC 58, Madhavarao Jiwajirao Scindia Vs. Sambhajirao Chandrojirao Angre, 1988 1 SCC 692, Nikhil Merchant Vs. C.B.I. and another, 2008(9) SCC 677, Manoj Sharma Vs. State and others, 2008(16) SCC 1, State of M.P. Vs. Laxmi Narayan and others, 2019(5) SCC 688, Narindra Singh and others Vs. State of Punjab and another, (2014) 6 SCC 466, Manoj Kumar and others Vs. State of U.P and others (2008) 8 SCC 781, Union Carbide Corporation and others Vs. Union of India and others (1991) 4 SCC 584, Manohar Lal Sharma Vs. Principal Secretary and others (2014) 2 SCC 532 and Supreme Court Bar Association Vs. Union of India (1998) 4 SCC 409.***

Learned AGA could not dispute the aforesaid facts of the case including that the pending proceedings would affect marital life of opposite party No.2/ complainant/informant.

Considering the submissions advanced by learned counsel for the parties including that the pending proceedings would affect the marital life of opposite party No.2 and perusing the order of trial Court dated 09.08.2023 as also taking note of the observations made by Hon'ble Apex Court in the judgments, referred above and the nature of crime, this Court is of the view that no purpose would be served in keeping the proceedings pending before the trial court and hence, the same are hereby quashed in terms of the compromise.

Accordingly, the present application U/S 482 Cr.P.C. is ***allowed***.

Office is directed to send a copy of this order to the court concerned through email/fax immediately for necessary compliance.

Order Date :- 8.12.2023

Vinay/-