

Court No. - 11

Case :- APPLICATION U/S 482 No. - 11687 of 2023

Applicant :- Mohd. Salman Khan @ Mohd. Salman And 3 Others

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

Counsel for Applicant :- Abhishek Singh, Rajesh Kumar Tewari

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania, J.

Heard learned counsel for the applicants, 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 for the following main relief:-

"For the facts and reasons stated in the accompanying affidavit it is most respectfully prayed that this Hon'ble Court may kindly be pleased to quash the summoning order dated 01.10.2019 (Annexure No. 01 to the accompanying affidavit) passed by Special Judge SC/ST Act, Lucknow in Special Trial No. 356 of 2019 relating to Case Crime No. 0145 of 2019, P.S. Wazirganj, Lucknow u/s 498A, 504, 323, 506 IPC, and Section 3(1)(r), 3(1)(s), 3(2)(va) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 as well as charge sheet bearing no. 01 dated 21.06.2019 (as contained in ANNEXURE NO. 2 to accompanying affidavit) and this Hon'ble Court may further be pleased to quash the proceedings of Special Trial No. 356 of 2019 relating to Case Crime No. 0145 of 2019, P.S. Wazirganj, Lucknow (State of U.P. v/s Mohd Salman Khan @ Mohd. Salman & others) pending before Special Judge SC/ST Act, Lucknow u/s u/s 498A, 504, 323, 506 IPC, and Section 3(1)(r), 3(1)(s), 3(2)(va) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 in view of the compromise between the parties dated 02.10.2023 (as contained in ANNEXURE NO. 4 to accompanying affidavit).

It is further prayed that during the pendency of the present petition U/S 482 Cr.P.C, this Hon'ble Court may also pleased to stay the proceedings of Special Trial No. 356 of 2019 relating to Case Crime No. 0145 of 2019, P.S. Wazirganj, Lucknow (State of U.P. v/s Mohd Salman Khan @ Mohd. Salman & others) pending before Special Judge SC/ST Act, Lucknow u/s u/s 498A, 504, 323, 506 IPC, and Section 3(1)(r), 3(1)(s), 3(2)(va) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, otherwise the applicants may suffer irreparable loss and injury."

It is stated by learned counsel for the applicants that this Court vide its order dated 06.10.2023 referred the matter to the trial court for the purpose of verification of the compromise entered into between the parties.

In compliance of earlier order of this Court dated 06.10.2023, the order dated 02.11.2023 regarding verification of compromise has been passed by the Court of Special Judge,

S.C./S.T Act, Lucknow, mentioning therein that the parties were present and they have admitted that they have entered into an agreement voluntarily and their signatures have been verified by their respective counsels before the court.

For the purposes of deciding the present application in the light of compromise, learned counsel for the applicants has placed reliance on the judgments of the Apex Court passed in the case 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 Additional Government Advocate could not dispute the fact that the compromise has been entered into between the parties and now the opposite party no. 2 does not want to proceed with the proceedings in issue.

Considering the submissions advanced by learned counsel for the parties and perusing the order of trial Court dated 02.11.2023 as also taking note of the observations made by Hon'ble Apex Court in the judgments referred above and the nature of dispute/crime, which is essentially a matrimonial dispute, this Court is of the view that no purpose would be served in keeping the proceedings pending before the trial court and hence, the proceedings in issue 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 :- 30.11.2023/Vinay/-