

Court No. - 11

Case :- APPLICATION U/S 482 No. - 11800 of 2023

Applicant :- Kamlesh Kumar Mishra

Opposite Party :- State Of U.P. And 6 Others

Counsel for Applicant :- Anil Kumar Sharma

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

Ms. Kushboo Singh, learned Advocate, has put in appearance by way of filing Vakalatnama on behalf of opposite party nos. 2 to 7 and filed her Vakalatnama, which is taken on record.

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

The present petition has been filed for the following main relief:-

"WHEREFORE, it is most respectfully prayed that this Hon'ble Court may kindly be pleased to quash the Charge sheet No.- 490/2009, dated 29.09.2009 filed in Case Crime No. 0870/2009 U/S-406, 420, 506 IPC, Police Station- Hazratganj, District - Lucknow, pending in the Court of Learned C.J.M., Lucknow, (State Vs. Kamlesh Kumar) and for quashing of entire proceeding of Case No.- 13249/09, Case Crime No. 0870/2009, U/S-406, 420, 506 IPC, Police Station- Hazratganj, District Lucknow and consequential summoning order dated 23.12.2009, passed by the Learned C.J.M., Lucknow in Case No.- 13249/09, Case Crime No. 0870/2009, U/S-406, 420, 506 IPC, Police Station- Hazratganj, District - Lucknow as contained in Annexure No. 1 & 2 to this petition."

Learned counsel for the applicant submitted that both the parties have amicably settled their dispute outside the Court and have entered into a compromise. 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 i.e. Case No.- 13249/09 (State Vs. Kamlesh Kumar), shall appear 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) For a period of six weeks, no coercive action shall be taken against the applicant in the aforesaid case

Order Date :- 5.12.2023

Jyoti/-