

Court No. - 12

Case :- APPLICATION U/S 482 No. - 11748 of 2023

Applicant :- Ankit Tiwari And Another

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

Counsel for Applicant :- Anoop Kumar Upadhyay

Counsel for Opposite Party :- G.A., Abhishek Kumar

Hon'ble Rajeev Singh, J.

1. On 06.12.2023, following order was passed:

"1. Vakalatnama filed by Shri Abhishek Kumar, Advocate on behalf of respondent nos. 2 and 3 is taken on record.

2. Heard learned counsel for the applicants, learned A.G.A. for the State and learned counsel appearing for respondent nos. 2 and 3.

3. This application has been filed for quashing the entire proceedings of Criminal Case No. 6617 of 2012, (State Vs. Ankit Tiwari & Anr.) arising out of Case Crime No. 299 of 2011, under Sections 323, 354 I.P.C., P.S. Krishna Nagar, District Lucknow.

4. Learned counsel for the applicants submits that the F.I.R. was lodged on the basis of incorrect facts. It is further submitted that the charge sheet has been filed by the Investigating Officer under Section 323, 354 I.P.C., P.S. Krishna Nagar, District Lucknow, on which, cognizance has been taken by the court below. It is also submitted that during the pendency of the trial, the issue has been resolved in between the parties by way of compromise dated 23.11.2023. It is, thus, submitted that the impugned proceedings pending before the trial court may be quashed in terms of the compromise.

5. Learned counsel for the complainant also concedes the facts argued by the learned counsel for the applicants.

6. However, learned A.G.A., while opposing the prayer of the applicants, vehemently submits that charge sheet was filed after recording the statement of the victim under Sections 161 and 164 Cr.P.C., in which, she made allegations of attempt to outrage her modesty and such proceedings cannot be quashed on the basis of vague compromise in between the parties.

7. In view of above facts, list this case on 14.12.2023.

8. On the next date, applicants as well as respondent nos. 2 and 3 shall appear before this Court.

9. S.H.O., P.S. Krishna Nagar, District Lucknow is directed to ensure the presence of respondent no. 2 and 3 before this Court on the next date.

10. In the meantime, learned counsel for the applicants may file

supplementary affidavit enclosing the statement of the victim recorded under Sections 161 and 164 Cr.P.C. "

2. In pursuance of aforesaid order dated applicant no.1 is present. Private respondents are also present along with S.I. Ravi Goyal and lady constable Reedima Agnihotri, P.S. Krishna Nagar, District- Lucknow.

3. Private respondent categorically stated before this Court that issue has already been resolved by way of a compromise and they do not want to pursue the case as the victim is enjoying her matrimonial life.

4. Heard learned counsel for the applicants, learned counsel for opposite party no.2 as well as learned A.G.A. for the State and perused the record.

5. The instant application has been filed for quashing the charge-sheet dated 30.07.2011 filed in Case Crime No.299/2011, under Sections 323, 354 I.P.C., Police Station Krishna Nagar, District Lucknow as well as entire proceedings of Criminal Case No.6617/2012 pending before the Special Chief Judicial Magistrate (Custom), Lucknow.

6. Learned counsel for the applicants 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.3 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 applicants 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 applicants in the aforesaid case.

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

Order Date :- 14.12.2023

V. Sinha