

Court No. - 11

Case :- APPLICATION U/S 482 No. - 12390 of 2023

Applicant :- Roshan Kumar Srivastava And 3 Others

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

Counsel for Applicant :- Rajesh Kumar Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

1. Shri Rakesh Kumar Agarwal, Advocate has filed Vakalatnama in Court today on behalf of the opposite party no. 2 which is taken on record.

2. Heard.

3. Instant application under Section 482 Cr.P.C. has been preferred by the applicants/petitioners for the following relief:

"to quash the entire criminal proceeding of Criminal Case No. 44121 of 2023 "State Versus Roshan Kumar Srivastava & others" case crime No. 229 of 2022 lodged under Section 498A, 392, 354, 323, 506 IPC and section 3/4 Dowry Prohibition Act, Police Station Aliganj, District- Lucknow, pending before Additional Chief Judicial Magistrate-II Room No. 26, Lucknow, including the chargesheet No. 01 of 2023 dated 21.1.2023 as well as for quashing the summoning order dated 17.4.2023 passed by the Additional Chief Judicial Magistrate-II Room No. 26, Lucknow directing the Petitioners to appear before the court to face the trauma of trial, as contained in Annexure No. 1 & 2 to this petition."

4. 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 original copy of compromise deed, duly signed by the parties, is annexed as Annexure No. 4 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.

5. 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.

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

(i) The parties to the proceedings i.e. Crl. Case No. 44121 of 2023 (State Versus Roshan Kumar Srivastava & others), 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) For a period of six weeks, no coercive action shall be taken against the applicants in the aforesaid case.

(vii) Office is directed to return back original compromise, Annexure No. 4 to the application, to the Counsel for the applicants, after retaining its photocopy on record. It is for the purposes for its verification by the concerned court.

Order Date :- 19.12.2023

Mohit Singh/-