Court No. - 11

Case :- APPLICATION U/S 482 No. - 12604 of 2023

Applicant :- Pankaj Tiwari And Others
Opposite Party :- State Of U.P. Thru. Prin. Secy. Home, Lko. And Another
Counsel for Applicant :- Dheerendra Kr. Agnihotri,Vijay Kumar Pandey
Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

Sri Pramod Kumar, Advocate, has put in appearance for the private opposite party no. 2 and has filed his Vakalatnama, which 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 charge sheet No. 01/2022 dated 28.09.2022 submitted in S.T. No. 2219/2022 (State vs. Pankaj Tiwari and others) arising out of Case Crime No. 0141/2022, under Sections 147, 323, 504, 427 IPC and Sections 3(1)(da) and 3(1)(dha) SC/ST Act, Police Station Bazarkhala, District Lucknow as also the entire proceedings of S.T. No. 2219/2022.

Learned counsel for the applicant(s) submitted that both the parties have amicably settled their dispute outside the Court and have entered into a compromise and a 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.

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 in issue 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 applicant(s) to approach this Court again for quashing of the proceedings.

(vi) Office is directed to provide original compromise to the counsel for the applicant(s), after retaining its photocopy on record. It is for the purposes for its verification by the concerned Court.

(vii) For a period of six weeks, no coercive action shall be taken against the applicant(s) in the aforesaid case.

Order Date :- 22.12.2023
Arun/-

Digitally signed by :-
ARUN KUMAR GANGWAR
High Court of Judicature at Allahabad,
Lucknow Bench