

Court No. - 11

Case :- APPLICATION U/S 482 No. - 12626 of 2023

Applicant :- Abhay Singh @ Abhay Pratap Singh And Another

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

Counsel for Applicant :- Rajeev Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

Mr. Arvind Pratap Singh, learned Advocate, has put in appearance by way of filing Vakalatnama on behalf of opposite party no. 2 and filed his 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 considering the facts and circumstances of the case mentioned herein above, this Hon'ble Court may graciously be pleased to pass an order to allowing the petition by quashing the entire criminal proceedings of the Criminal Case No. 18929/2023 inclusive of charge sheet and summoning order dated 08.09.2023, passed by Learned Chief Judicial Magistrate, Gonda, in case "State of U.P. Vs. Abhay Singh and another" pursuant to the case crime no. 217/2022 U / s - 420, 406, 452, 323, 504, 506 IPC at Police Station- Karnailganj, District-Gonda, lodged by the opposite party no.2 in order to meet the ends of justice."

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. Criminal Case No. 18929 of 2023 (State of U.P. Versus Abhay Singh and another), 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) Office is directed to provide original compromise to the Counsel for the applicants, 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 applicants in the aforesaid case.

Order Date :- 22.12.2023

Jyoti/-