

Court No. - 11

Case :- APPLICATION U/S 482 No. - 12703 of 2023

Applicant :- Syed Abbas Aqeel Rizvi @ Abbas Aqeel @ Abbasu And 2 Others

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

Counsel for Applicant :- Shakti Kumar Verma

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

Sri Mohd. Kausar, 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 applicants, learned AGA for the State and perused the record.

Instant application under Section 482 Cr.P.C. has been preferred by the applicants for the following main relief:-

"WHEREFORE, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to quash the proceedings of Criminal Case No.6338/2014(State vs. Abbas Aqeel and Others), arising out of Case Crime No.380/2013, Police Station Chowk, Lucknow, pending in the Court of Additional Chief Judicial Magistrate V, Lucknow, under Sections 323, 504, IPC and for quashing of the order dated 10.11.2014, passed by Additional Chief Judicial Magistrate-V, Lucknow, in Criminal Case No.6338/2014(State vs. Abaas Aqeel and Others), whereby the Petitioners have been summoned as accused under Sections 323, 504, IPC; arising out of Case Crime No.380/2013, under Sections 323, 504, IPC, filed by the police of Police Station Chowk, District Lucknow, in the interest of justice.

It is further prayed that the proceedings of Criminal Case No.6338/2014(State vs. Abbas Aqeel and Others), arising out of Case Crime No.380/2013, Police Station Chowk, Lucknow, pending in the Court of Additional Chief Judicial Magistrate V, Lucknow, under Sections 323, 504, IPC, may kindly remain stayed during the pendency of the present petition."

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 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 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

Vinay/-