

Court No. - 11

Case :- APPLICATION U/S 482 No. - 12713 of 2023

Applicant :- Smt. Preeti Singh And 2 Others

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

Counsel for Applicant :- Dr. Pooja Singh

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

Shri Surya Prakash Tiwari and Achleshwar Raj, Advocates, have filed their vakalatnama on behalf of opposite party No.2, 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 with the following prayer:-

"To quash the entire proceedings of Complaint Case No.485/2013 "Phool Vijay Singh Versus Chandra Bhushan Singh and others", relating to Police Station- Aliganj, District- Lucknow pending in the Learned Court of Special Chief Judicial Magistrate (Custom), Lucknow. The certified copy of Complaint case is being annexed as Annexure No.2 to the Affidavit in support of the petition.

Through the present petition the petitioners are also praying for quashing of impugned Summoning order dated 31-07-2015 passed by Smt. Pallavi Agarwal, Special Chief Judicial Magistrate (Custom), Lucknow in Complaint Case No.- 485/2013, "Phool Vijay Singh Versus Chandra Bhushan Singh and others", relating to police Station Aliganj, Lucknow by means of which the petitioner no. 1 and 2 namely Smt. Preeti Singh and Smt. Geeta Singh were summoned Under Sections-427, 504,506, 452 I.P.C., and the petitioner no. 3 namely Naveen Singh and Late Shri Chandra Bhushan Singh were summoned Under Section-392, 427, 504, 506, 452 I.P.C. The certified copy of Summoning order is being annexed as Annexure No.3 to the Affidavit in support of the petition.

Through the present petition petitioners are also praying for quashing of all subsequent orders passed by the Learned Court below against the petitioners in the present case.

Through the present petition are also challenging the revision order dated 31-03-2017 passed by Learned Court of Special Judge, C.B.I.-2/Additional District and Session Judge, Lucknow through which Criminal Revision no. 418/2015 "Smt. Preeti Singh and others Vs. State of Uttar Pradesh and another" have been rejected which was filed against the above mentioned summoning order dated 31-07-2015. The certified copy of Revision order is being annexed as Annexure No.4 to the Affidavit in support of the 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 original compromise deed, duly signed by the parties, is annexed as Annexure No. 6 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 four 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 four 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 of its verification by the concerned court.

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

Order Date :- 22.12.2023/Vipul