

Court No. - 11

Case :- APPLICATION U/S 482 No. - 5630 of 2024

Applicant :- Munna Yadav Alias Krishna Alias Munna Lal Yadav And Another

Opposite Party :- State Of U.P. Thru. Prin. Secy. Deptt. Home Civil Sectt. Lko And 2 Others

Counsel for Applicant :- Prabhu Sharan, Yogendra Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Arun Kumar Singh Deshwal, J.

Vakalatnama filed by Ms. Deepali Prajapati, Advocate on behalf of opposite party Nos.2 and 3 is taken on record.

Heard Mr. Prabhu Sharan, learned counsel for the applicants and learned AGA for the State.

Present application under Section 482 Cr.P.C. has been filed to quash the entire proceeding of Sessions Trial No. 851 of 2012, arising out of Case Crime No. 187 of 2010, under Sections 452, 323, 504 IPC & Section 3(1)X of SC/ST Act, Police Station-Sarojini Nagar, Lucknow alongwith Charge Sheet dated 20.05.1010 under Section 452, 323, 504 IPC & Section 3(1) X of SC/ST Act as also the summoning order dated 05.03.2011 passed by the Special Judge SC/ST Act, Lucknow.

Contention of learned counsel for the applicants is that the dispute between the parties is purely private in nature. Though, there is no allegation regarding using casteist word in the FIR even then the Police invoked the provisions of SC/ST Act.

It is further submitted by the learned counsel for the applicants that on persuasion of senior villagers parties have settled their dispute, which also entered into a written compromise dated 30.05.2024, a copy of the same is at page No. 40 of the paper book.

The above fact has not been disputed by the learned counsel for the opposite party Nos. 2 and 3 and she virtually admitted this fact that parties have settled their dispute amicably. However, learned AGA opposed the prayer on the ground that provision of impugned proceeding is not compoundable, therefore, on the basis of compromise, the proceeding can't be quashed.

Considering the aforesaid fact and also that offence under SC/ST Act is not made out and now parties have settled their dispute amicably and settlement between them is entered into a written compromise, present application is disposed of with direction to applicant to file original deed of compromise before the Court of Special Judge, SC/ST Act, Lucknow within a period of 15 days from today.

In case, such a compromise deed is filed by the applicants, the Court of Special Judge, SC/ST Act, Lucknow shall verify the same after summoning the parties and after verification of aforesaid compromise, Court of Special Judge, SC/ST Act, Lucknow will permit the parties to obtain certified copy of the same.

It is further directed that the court below will conclude the proceeding of verification of aforesaid compromise within a period of one month from the date of receiving of deed of compromise.

The parties are at liberty to file fresh application under Section 482 Cr.P.C. to quash the impugned proceeding on the basis of verified deed of compromise.

For a period of two months or till passing the order by the court below regarding verification of compromise, whichever is earlier, no coercive action shall be taken against the applicants in aforesaid case.

With the aforesaid observations, the application is **disposed of**.

Order Date :- 24.6.2024

Vinay/-