

Court No. - 5

Case :- APPLICATION U/S 482 No. - 5665 of 2024

Applicant :- Shyam Prakash Singh @ Deepu Singh

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

Counsel for Applicant :- Dr. Ajai Pratap Singh Chauhan

Counsel for Opposite Party :- G.A.

Hon'ble Arun Kumar Singh Deshwal,J.

Vakalatnama filed by Mr. Sumit Chauhan, Advocate on behalf of opposite party No.2 is taken on record.

Heard Dr. Ajai Pratap Singh Chauhan, learned counsel for the applicant and Sri Rao Narendra Singh, learned AGA for the State.

Present application under Section 482 Cr.P.C has been filed by the applicant for quashing entire proceeding of summoning order dated 30.03.2011, arising out of Charge Sheet dated 26.09.2010 in Case Crime No.0270 of 2010, under Section 452, 354 IPC, Police Station-Itaunja, District-Lucknow passed by the Additional Chief Judicial Magistrate, Court No. 26, Lucknow in Criminal Case No. 4000657 of 2011 pending before Juvenile Justice Board, Lucknow.

Contention of learned counsel for the applicant is that the impugned proceeding has been culminated on the basis of FIR lodged by the opposite party No.2 against the applicant, registered as Case Crime No.0270 of 2010, under Section 452, 354 IPC, Police Station-Itaunja, District-Lucknow and after investigation Police had submitted a charge sheet on 26.09.2010.

It is further submitted that parties have settled their dispute amicably out of the court and a written compromise has also been entered into between them and the same has been annexed at page No. 34 of paper book. Further, a request is made that impugned proceeding may be quashed on the basis of compromise entered into between the parties on 29.05.2024.

Learned counsel for the opposite party No. 2 did not dispute the aforesaid facts. Though, learned A.G.A. opposed the prayer but could not dispute the fact that parties have settled their dispute amicably.

Considering the aforesaid fact as also that the offence mentioned in impugned proceeding did not fall in the category of heinous offences, therefore impugned proceeding may be quashed on the basis of compromise, however, the compromise entered into between the parties is yet to be verified by the court below, therefore, present application is disposed of with direction to applicant to file original deed of compromise before the court below within a period of three weeks from today.

In case, such a compromise deed is filed by the applicant, the court below shall verify the same after summoning the parties and after verification of aforesaid compromise, court below 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 two months 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.

Office is directed to return the original deed of compromise, which has been annexed at page No. 26 of paper book, to learned counsel for the applicants as per Rules after retaining the photocopy of the same.

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

Order Date :- 25.6.2024

Vinay/-