

Court No. - 5

Case :- APPLICATION U/S 482 No. - 5776 of 2024

Applicant :- Mausam Kumar Maurya

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

Counsel for Applicant :- Pradeep Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Arun Kumar Singh Deshwal,J.

1. Vakalatnama filed by Shri Himanshu Pathak and Shri Anshuman Singh, Advocates on behalf of respondent no.2 along with short counter affidavit is taken on record.

2. Heard Shri Pradeep Kumar, learned counsel for the applicants, Shri Himanshu Pathak and Shri Anshuman Singh, learned counsel for respondent no. 2 as well as learned A.G.A. for respondent State.

3. The present application has been filed with the prayer to quash the entire proceedings of the 414 of 2023 (State Vs Mausam Kumar Murya), under sections 406,420,504,506 I.P.C. and 3(I) (D),3(I) (DHA),3(2)(Va) SC/ST Act pending in the court of the learned Session Judge/Special Judge (SC/ST Act), Sitapur and for the quashing of the Charge Sheet dated 06.09.2023, arising out of Case Crime No. 231/2023, under Sections 406,420,504,506 I.P.C. and 3(I) (D),3(I) (DHA),3(2) (Va) SC/ST Act submitted against the petitioner by the police of Police Station- Sadarpur, District- Sitapur.

4. Contention of learned counsel for the applicants is that the impugned proceedings were initiated on the basis of charge sheet filed in Case Crime No.231/2023 in pursuance of the F.I.R. lodged by respondent no.2 against the applicant under Section 406, 420, 504, 506 I.P.C. and Section 3(1)(D), 3(1)(DHA), 3(2)(Va) of SC/ST Act. It is also submitted that from perusal of F.I.R., it is clear that the allegation of using casteist word was made at the house of respondent no.2 but there was no public witness, therefore, no case under SC/ST Act is made out against the applicant. It is further submitted that dispute between the parties is of a civil nature and is personal one and the parties have settled their dispute amicably which was reduced into written compromise dated 01.06.2024. The copy of the compromise deed dated 01.06.2024 is annexed as Annexure- 4 (Page-40) to the application.

5. Learned counsel for respondent no. 2 did not dispute this fact and he admitted fairly that the parties have settled their dispute amicably. In the short counter affidavit filed by respondent no.2, it is mentioned that the respondent no.2 has not received any amount under the SC/ST Act.

6. Per contra, learned A.G.A. has submitted that the offence in the impugned proceedings is not compoundable therefore, the proceedings cannot be quashed on the basis of compromise.

7. After considering the fact that the impugned proceedings is arising out of the offence which are not serious in nature, therefore, the impugned proceedings can be quashed on the basis of compromise.

8. Considering the aforesaid submission and on perusing the record, offence under SC/ST Act is not made out and the parties have settled their dispute amicably and the written compromise is also entered into between the parties. In view of the above, the present application is disposed of with a direction to the applicant to file the original deed of the compromise dated 01.06.2024 before the Court of Additional Chief Judicial Magistrate-VI, Lucknow, within a period of 15 days. In case, such compromise is filed by the applicant, the court below will verify the same after summoning the parties.

9. It is directed that the court below, after verification of the compromise, will permit the parties to obtain the certified copy of the compromise dated 01.06.2024 and will conclude the proceeding of verification of aforesaid compromise within a period of two month from the date of receiving of the copy of the aforesaid compromise.

10. It is further provided that for a period of two months or till the passing of the order by the court below regarding the verification of the compromise, whichever is earlier, no coercive action shall be taken against the applicants.

11. It is further provided that on verification of the aforesaid compromise, applicants are at liberty to file a fresh application under Section 482 for quashing the impugned proceeding on the basis of the verified compromise.

12. With the aforesaid directions, the present application is ***disposed of.***

13. Office is directed to return the original deed of compromise annexed at page no.40-42 to the learned counsel for the applicant after obtaining photocopy of the same.

Order Date :- 27.6.2024

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