

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8334 of 2024

Petitioner :- Parvati And Others

Respondent :- State Of U.P. Thru. Prin. Secy. Home Sachivalaya Lko And Others

Counsel for Petitioner :- Sachin Kumar Pandey, Pawan Kumar Shukla

Counsel for Respondent :- G.A., Mirza Ataulla Beg

Hon'ble Vivek Chaudhary, J.

Hon'ble Om Prakash Shukla, J.

1. Heard learned counsel for parties.
2. This writ petition has been filed with a prayer to issue a writ, order or direction in the nature of certiorari for quashing the First Information Report dated 02.10.2024 bearing Case Crime No.0639 of 2024, under Sections 167, 197, 198, 466 I.P.C., Police Station- Pihani, District - Hardoi.
3. On 07.11.2024, we had passed the following order:

" Sri Mirza Ataulla Beg, learned counsel has put in appearance on behalf of the informant/opposite party No.4 by filing Vakalatnama, which is taken on record.

Learned counsel for petitioner has filed supplementary affidavit today in Court and the same is taken on record.

Heard learned counsel for the parties and perused the record.

This writ petition has been filed with a prayer to issue a writ, order or direction in the nature of certiorari for quashing the First Information Report dated 02.10.2024 bearing Case Crime No.0639 of 2024, under Sections 167, 197, 198, 466 I.P.C., Police Station- Pihani, District - Hardoi.

Submission of learned counsel for the petitioners is that the petitioners are innocent and have falsely been implicated in the case. Now the petitioners and opposite party No.4/informant have entered into a compromise. The original compromise deed dated 08.10.2024 between the parties is annexed as part of annexure No. SA-1 to the supplementary affidavit filed today in Court.

Learned counsel for opposite party No.4 did not dispute the submission of counsel for the petitioners rather he supported the submission of the petitioner's counsel that the dispute between the parties has been resolved by way of compromise on 08.10.2024.

Let the petitioners and opposite party No.4 appear before the Senior Registrar of this Court on 11.11.2024 for verification of the compromise.

List this case on 18.11.2024 showing the name of Sri Mirza Ataulla Beg, Advocate as counsel for respondent in the cause list when the case is next listed.

Learned Senior Registrar to submit his report.

In view of the aforesaid development, it is provided that till the next date of listing, petitioners shall not be arrested in pursuance of the impugned First Information Report dated 02.10.2024 bearing Case Crime No.0639 of 2024, under Sections 167, 197, 198, 466 I.P.C., Police Station- Pihani, District - Hardoi."

4. On 11.11.2024, the compromise could not be verified due to some personal difficulties of parties. This Court vide order dated 09.12.2024 again directed parties to appear before the Senior Registrar on 13.12.2024 for verification of compromise.
5. The report of the Senior Registrar of this Court dated 13.12.2024 is on record, according to which, he has verified the compromise on 13.12.2024. The original compromise is on record which has been annexed as SA-1 to C.M. Application No. nil dated 06.11.2024.
6. According to the terms of the compromise, parties have decided to withdraw all the cases filed by them against each other including First Information Report dated 02.10.2024 bearing Case Crime No.0639 of 2024, under Sections 167, 197, 198, 466 I.P.C., Police Station- Pihani, District - Hardoi.
7. Intent is clear, the informant who is a signatory to the compromise, does not want to press the FIR, therefore, no purpose would be served in allowing the proceedings even if charge sheet has been filed before the court below to go on considering the nature of the dispute.
8. Accordingly, the impugned FIR, which is the basis to serve consequential proceedings of investigation and thereafter filing of charge sheet, is hereby quashed. Consequently, all proceedings taken consequent to the lodging of the FIR including charge sheet, if any, filed before the court below stand quashed.

9. The writ petition is, accordingly, **allowed**.

10. The Senior Registrar of this Court shall communicate this order to the court concerned for correcting his record, accordingly.

11. Learned AGA shall communicate this order to the investigating officer.

Order Date :- 19.12.2024

Arti/-

[Om Prakash Shukla,J.] [Vivek Chaudhary,J.]