

Court No. - 12

Case :- APPLICATION U/S 482 No. - 11731 of 2024

Applicant :- Shiv Pratap Singh And 2 Others

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

Counsel for Applicant :- Ravi Kant Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

Shri Yaduvansh Mani Singh, learned Advocate has put in appearance by way of filing Vakalatnama on behalf of opposite party No. 2 and filed his Vakalatnama, which is taken on record.

Heard learned counsel for the applicants, learned AGA for the State of U.P. and gone through the record.

The present application under Section 482 Cr.P.C. has been filed for the following main relief:-

"For the facts, reasons and circumstances stated in the accompanying Affidavit, this Hon'ble court may kindly be pleased to quash the entire criminal proceeding of Criminal Case No.6769/2023 (State Versus Krishna Murari Shukla & Others) pending in the court of Fast Track Court (Senior Division)/Additional Chief Judicial Magistrate, Sultanpur initiated against the petitioners in pursuance of the impugned charge sheet dated 19.1.2004 arising out of Case Crime No.949/2003, Under Sections - 419, 420, 467, 468, 469, 471 IPC, Police Station Gauriganj, District Sultanpur, now Amethi, as well as cognizance/summoning order dated 7.2.2004 passed by learned Additional Chief Judicial Magistrate, Court No.22, Sultanpur in Old Case No.177/2004 (State Versus Krishna Murari Shukla & Others) in terms of the compromise deed dated 3.12.2024, as contained in Annexure No.1 and 2 to this Petition."

Learned counsel for the applicants has submitted that both the parties have amicably settled their dispute outside the Court and have entered into a compromise and a copy of compromise deed, duly signed by the parties, is annexed as Annexure No.4 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 i.e. *Criminal Case No.6769/2023 (State Versus Krishna Murari Shukla & Others) pending in the court of Fast Track Court (Senior Division)/Additional Chief Judicial Magistrate, Sultanpur initiated against the petitioners in pursuance of the impugned charge sheet dated 19.1.2004 arising out of Case Crime No.949/2003, Under Sections - 419, 420, 467, 468, 469, 471 IPC, Police Station Gauriganj, District Sultanpur, now Amethi*, shall appear and file the compromise before the concerned Court within two 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 two 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 six weeks, no coercive action shall be taken against the applicants in the aforesaid case.

Order Date :- 19.12.2024

ML/-