

Court No. - 12

Case :- APPLICATION U/S 482 No. - 11625 of 2024

Applicant :- Kamlakar Pandey And 2 Others

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

Counsel for Applicant :- Anamika Singh

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

Shri Ankit Singh, learned Advocate has put in appearance by way of filing Vakalatnama on behalf of opposite party nos. 2 and 3 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:-

"Wherefore, it is most respectfully prayed that this Hon'be Court may kindly be pleased to quash and set aside the impugned chargesheet dated 26/04/2015 along with summoning order dated 28/07/2015 along with other consequential proceedings in Criminal Case No.1550/2015, State Vs. Kamlakar Pandey & Others", currently pending before learned Additional Chief Judicial Magistrate, Court No.24, Pratapgarh arising out of Crime No.376/2013, under Sections 307 IPC, P.S. Raniganj, District-Pratapgarh, on the basis of compromise dated 08.12.2024 (as contained in Annexure-2 and 3), in the interest of justice."

Learned counsel for the applicants has submitted that the applicants and opposite party Nos. 2 and 3 who sustained injuries in the incident alleged in the F.I.R. registered as Case Crime No.376/2013, under Section 307 I.P.C., at Police Station Raniganj, District-Pratapgarh, are the residents of the same vicinity and on coming to know the actual facts, which are to the effect that the applicants have not committed any crime, the dispute was settled and settlement was reduced in writing and over the same the parties have put their signatures and perusal of the same would indicate that the injured/opposite parties herein are the first party to the said settlement had not seen the real culprits, who had committed the offence and the F.I.R. was lodged on the basis of information given by bystanders, hence, based on the said compromise the interference is called for.

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.5 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.1550/2015, State Vs. Kamlakar Pandey & Others", currently pending before learned Additional Chief Judicial Magistrate, Court No.24, Pratapgarh, arising out of Crime No.376/2013, under Section 307 IPC, P.S. Raniganj, District-Pratapgarh, 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 for 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 :- 18.12.2024

ML/-