

Court No. - 12

Case :- APPLICATION U/S 482 No. - 11612 of 2024

Applicant :- Lodhai Chauhan @ Tansen

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

Counsel for Applicant :- Amit Kumar, Subrat Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania, J.

Sri Devesh Kumar, learned Advocate has filed his Vakalatnama on behalf of opposite party nos.2 and 3, which is taken on record.

Heard learned counsel for the applicant, learned Counsel for the opposite party nos.2 and 3, learned AGA for the State and perused the record.

The instant application has been filed for the following main relief:-

"Wherefore, it is most respectfully prayed that this hon'ble court may kindly be pleased to quash the entire Criminal proceeding of the CrI SC/ST case no. 151/2021 (State Vs Lodhai Chauhan) and the summoning order dated 23/12/2021 passed by Learned Special Judge SC/ST Act, Ambedkar Nagar in Criminal case no. 151/2021 (State V/s Lodhai Chauhan), relating to Case crime No. 114/2021 U/S 354 I.P.C, 3 (2) (अ) (क) or (va) SC/ST Act, P/S- Ibrahimpur, District- Ambedkar Nagar, in aforesaid criminal case as contained in Annexure No. 1 to the instant petition in the light of compromise, attained between the parties, in the interest of justice.

It is further prayed this Hon'ble court may kindly be pleased to quash the impugned charged sheet No. 600/2021 dated 24/09/2021 submitted against the petitioner U/S 354 I.P.C, 3 (2) (अ) (क) or (va) SC/ST Act by the Investigating Officer in aforesaid case crime number as contained in Annexure No. 2 to the instant petition, in the interest of justice."

Learned counsel for the applicant submitted that both the parties have amicably settled their dispute outside the Court and have entered into a compromise. 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, the instant application is **disposed of** finally in following terms:-

(i) The parties to the proceedings i.e. *Criminal case no. 151/2021 (State V/s*

Lodhai Chauhan) (supra), shall appear before the concerned Court within four weeks from today and file the compromise.

(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 applicant to approach this Court again for quashing of the proceedings.

(vi) Office is directed to provide original compromise, if any, to the Counsel for the applicant, after retaining its photocopy on record. It is for the purposes for its verification by the concerned court.

(vii) For a period of eight weeks, no coercive action shall be taken against the applicant in the aforesaid case.

Order Date :- 18.12.2024

Jyoti/-