

Court No. - 12

Case :- APPLICATION U/S 482 No. - 11601 of 2024

Applicant :- Vijay Kumar @ Vijay Anand Guru

Opposite Party :- State Of U.P. Thru. Addl. Prin. Secy. Deptt. Of Home Lko.
And 3 Others

Counsel for Applicant :- Dinesh Kumar Ojha

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

At the very outset, learned counsel for the applicant says that inadvertently the details of Case Crime Number in issue have wrongly been indicated in this application, as such, he may be permitted to correct the same during the course of the day.

The prayer aforesaid is acceded, as the same has not been opposed.

In view of above, learned counsel for the applicant is permitted to rectify the aforesaid error during the course of the day.

Sri Pravin Kumar Verma, Advocate, has put in appearance for the private opposite parties and has filed his Vakalatnama, which is taken on record.

Heard learned counsel for the parties and perused the record.

Instant application has been preferred by the applicant(s) seeking following main relief:-

"Wherefore, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to quash the entire criminal proceedings pending in the Court of Special Judge SC/ST Act, Lucknow of the Session Trial No. 670/2024 arising out Case Crime No. 542 of 2022 U/s 323, 406, 420, 452, 504, 506 I.P.C. and 3 (2) (va) SC/ST Act State Vs. Vijay Kumar @ Vijay Anand Guru Police Station Gomti Nagar, District Lucknow in terms of, compromises deed dated 15.10.2024 by means of which both the parties do not want to prosecute the criminal case against each other, which is contained as Annexure no. 3 to this petition, in the interest of justice."

Learned counsel for the applicant(s) 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. 3 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 in issue shall appear and file the compromise before the concerned court within four 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 applicant(s) 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(s), 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(s) in the aforesaid case.

Order Date :- 18.12.2024

Arun/-