

Court No. - 12

Case :- APPLICATION U/S 482 No. - 11729 of 2024

Applicant :- Naresh Kumar Agarwal And Another

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

Counsel for Applicant :- Akshay Kumar Singh, Palak Jawa

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania, J.

Heard Ms. Palak Jawa, learned counsel for the applicants, learned AGA for the State of U.P. and Shri Arun Singh, learned counsel for the opposite party No.4 and gone through the record.

Vakalatnama filed on behalf of opposite party No.4 by Shri Arun Singh, Advocate is taken on record.

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

"(i). An order or direction to quash the impugned quashing of impugned chargesheet dated 13.06.2012 filed in Criminal Case No. 7595 of 2012 (State v. Naresh Agarwal and Anr.) before Ld. Chief Judicial Magistrate, Lucknow, arising out of Case Crime No. 87 of 2012, lodged by Opposite Party No. 4, in under Section 323, 406, 504, 506 of Indian Penal Code, 1860 lodged at P.S. - Hazratganj, District- Lucknow on 09.03.2012, as well as cognizance order dated 27.09.2012 in Case No. 7595 of 2012, along with the entire subsequent proceedings contained in Annexure No. 1 (Colly.) with 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.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 i.e. *Criminal Case No. 7595 of 2012 (State v. Naresh Agarwal and Anr.)* before *Ld. Chief Judicial Magistrate, Lucknow, arising out of Case Crime No. 87 of 2012, lodged by Opposite Party No. 4, in under Section 323, 406, 504, 506 of Indian Penal Code, 1860 lodged at P.S. - Hazratganj, District - Lucknow on 09.03.2012*, 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/-