

Court No. - 12

Case :- APPLICATION U/S 482 No. - 11586 of 2024

Applicant :- Rakesh @ Rakesh Kumar And Another

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

Counsel for Applicant :- Kamal Swaroop Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

Heard Sri Kamal Swaroop Pandey, learned counsel for the applicant, learned AGA for the State of U.P., Sri Ramendra Mishra, learned counsel for the opposite party Nos. 2 & 3 and perused the record.

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

"For the facts, reasons and circumstances stated in the accompanying Petition, which is duly supported by an affidavit, it is expedient in the interest of justice that this Hon'ble Court may graciously be pleased to quashed entire proceeding of Charge Sheet No. 110/2009, Charge Sheet Dated 27.10.2009, Case Crime no. 309/2009, U/S-498-A, 323,504,506 I.P.C. and 3/4 D.P. Act P.S. Maal, District-Lucknow State versus Rakesh and another pending before Leamed Additional Chief Judicial Magistrate Fourth District Lucknow, contained in Annexure No.1, on the basis of compromise, to the accompanying affidavit, in the interest of Justice.

It is further prayed that during the pendency of the present Petition under section 482 C.R.P.C./528 BNSS, this Hon'ble may kindly be pleased to stay the operation and implementation of the entire proceeding of Charge Sheet No. 110/2009, Charge Sheet Dated 27.10.2009, Case Crime no. 309 /2009, U/S-498-A, 323,504,506 LP.C. and 3/4 D.P. Act P.S. Maal, District- Lucknow State versus Rakesh and another pending before Learned Additional Chief Judicial Magistrate Fourth District Lucknow, contained in Annexure No.1, on the basis of compromise, 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. 2 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/-