

Court No. - 12

Case :- APPLICATION U/S 482 No. - 11687 of 2024

Applicant :- Mohammad Shami And 2 Others

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt. Govt. Lko And Another

Counsel for Applicant :- Arvind Kumar Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

Sri Prashant Tiwari, learned Advocate has filed his Vakalatnama on behalf of opposite party no.2, which is taken on record.

Heard learned counsel for the applicants, learned Counsel for the opposite party no.2, learned AGA for the State and perused the record.

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

"For the facts, reasons and circumstances as stated in the accompanying affidavit, it is very humbly prayed before this Hon'ble Court that may kindly be pleased to quash/set-aside the entire criminal proceeding of Case No. 2723/2016 (State of U.P. Versus Mohammad Shami and others) arising out of impugned charge-sheet No. 121/2016, dated 10.06.2016 submitted by the investigating officer against the applicants/petitioners in Case Crime No. 925/2016, Under Sections-323, 504 & 506 I.P.C. pertaining to Police Station-Ikauna, District-Shrawasti and impugned cognizance/summoning order dated 06.07.2016 passed by the court of learned Additional Chief Judicial Magistrate, Shrawasti by which applicants/petitioners have been summoned for facing of trial under the aforesaid sections including entire proceeding thereof in terms of the compromise deed dated 06.12.2024, as contained in Annexure No. 1, 2 & 4 to this petition.

It is further prayed that this Hon'ble Court may kindly be pleased to stay the further proceeding initiated against the petitioners in Case No. 2723/2016 (State of U.P. Versus Mohammad Shami and others) arising out of impugned charge-sheet No. 121/2016, dated 10.06.2016 submitted by the investigating officer against the applicants/petitioners in Case Crime No. 925/2016, Under Sections-323, 504 & 506 I.P.C. pertaining to Police Station-Ikauna, District-Shrawasti and impugned cognizance/summoning order dated 06.07.2016 passed by the court of learned Additional Chief Judicial Magistrate, Shrawasti, during the pendency of this petition."

Learned counsel for the applicants 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 appeal is ***disposed of*** finally in following terms:-

(i) The parties to the proceedings i.e. *Case No. 2723/2016* (supra), shall appear before the concerned Court within six 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 applicants 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 applicants, 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 applicants in the aforesaid case.

Order Date :- 19.12.2024

Jyoti/-