

Court No. - 13

Case :- APPLICATION U/S 482 No. - 11828 of 2024

Applicant :- Satyaram Tiwari @ Santram Tiwari And Another

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

Counsel for Applicant :- Anjani Kumar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Vakalatnama filed by Shri Asheesh Kumar Tiwari, Advocate on behalf of the opposite party No.2 is taken on record.

2. Heard learned counsel for the applicants, learned A.G.A. for the State of U.P., learned counsel for the opposite party no.2 and perused the record.

3. This application under Section 482 Cr.P.C. has been filed with following prayer:-

"Wherefore, it is most respectfully prayed that this Hon'ble Court may kindly be pleased to quash the impugned Charge Sheet dated 10.5.2024 and summoning order dated 27.6.2024 passed by Learned Additional Civil Judge (Jr. Division)/Judicial Magistrate Court No. 11, District-Gonda in Case No. 23584/2024 arising out of Case Crime No. 107/2024 Under Section 332, 353, 323, 504, 506 IPC P.S Motiganj District Gonda (State Vs. Awadhesh Kumar & others) contained as annexure no. 1 & 2 as well as entire proceedings of the aforesaid criminal case on the basis of compromise, in the interest of justice.

It is further prayed that this Hon'ble Court kindly be pleased to stay the proceeding of Case No. 23584/2024 (State Vs. Awadhesh Kumar & others) arising out of Case Crime No. 107/2024 under section 332, 353, 323, 504, 506 IPC, PS-Motiganj, District-Gonda, pending before the Learned Additional Civil Judge (Jr. Division)/Judicial Magistrate Court No. 11, District-Gonda, in the interest of justice."

4. Learned counsel for the applicants submits that both the parties have amicably compromised their dispute. The compromise which has taken place between the parties is also filed before this Court as Annexure No.6 to the application.

5. Whether the parties have, in fact, compromised the matter or not, can best be ascertained by the trial court concerned as such compromise has to be duly verified in presence of the parties concerned before the Court.

6. Accordingly, this application is **disposed of** with a direction to the trial court concerned that if any such compromise is filed before it, it shall issue notices to all the signatories to the compromise requiring their personal presence and, thereafter, proceed to verify the compromise. If the aforesaid compromise is verified, a report to that effect shall be prepared by the court and the compromise will be made part of the record.

7. The court concerned in that scenario will allow the parties to obtain certified copy of the report as well as compromise and it will be open to the applicants to approach this Court again for quashing of the proceedings.

8. For a period of one month, no coercive action shall be taken against the applicants in the aforesaid case.

9. Office is directed to return the original compromise deed to the learned counsel for the applicants, after taking the photocopy of the same.

Order Date :- 20.12.2024

Arpan