Court No. - 14

Case :- CRIMINAL APPEAL No. - 3539 of 2024

Appellant :- Mandeo Yadav And 4 Others
Respondent :- State Of U.P. Thru. Prin. Secy. Home Deptt. Lko. And Another
Counsel for Appellant :- Girish Kumar Pandey
Counsel for Respondent :- G.A.,Sher Bahadur Yadav,B/S2106

Hon'ble Ajai Kumar Srivastava-I,J.

1. Heard Shri Girish Kumar Pandey, learned counsel for the appellants, learned A.G.A. for the State, Shri Sher Bahadur Yadav, learned counsel for opposite party No.2 and perused the entire record.

2. The instant appeal has been filed by the appellants for setting aside the impugned cognizance order dated 22.10.2019 passed by the Special Judge, SC/ST Act, Ambedkar Nagar in Criminal Case No.79 of 2019 arising out of Case Crime No.123 of 2019, under Sections 147, 323, 504, 506 IPC and Section 3(1)(da), 3(1)(dha) of the SC/ST Act, police station Ibrahimpur, District Ambedkar Nagar.

3. Learned counsel for the appellants submitted that aforesaid case came to be filed because of some misunderstanding between the applicants and opposite party No.2. However, parties jointly submit that the appellants and the complainant/ opposite party no.2 have entered into a compromise on 20.09.2024. They have settled their dispute amicably out of the Court during the pendency of the aforesaid case mutually and voluntarily and have decided not to contest the case against each other. Copy of the compromise dated 20.09.2024 is on record as Annexure No.3 to the instant appeal.

4. Shri Sher Bahadur Yadav, learned counsel for opposite party No.2 has also brought to the notice of this Court that the amount which was received by opposite party no.2 by way of State Assistance is to be deposited today only.

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

6. Accordingly, this appeal is finally **disposed of** with a direction to the court concerned that if any such compromise is filed before it, notices be issued to all the concerned parties including the injured or victim, if any, 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 concerned and the compromise will be made part of the record.

7. The court concerned shall also ensure that the receipt of deposit of the amount which was given to opposite party no.2 by way of State Assistance is also brought on record.

8. 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 appellants to approach this Court again for quashing of the proceedings.

9. The Registry of the Court is directed to return the original compromise deed, if any, annexed with the instant appeal to the learned counsel for the appellants, after retaining a photocopy of the same on record.

10. During the process of verification, the impugned cognizance order dated 22.10.2019 or any process issued pursuant thereto,

shall not be given effect to qua the present applicants, namely, **Mandeo Yadav, Banshi Lal Yadav, Nebu Lal, Barfi Lal Yadav** and **Anita**.

(Ajai Kumar Srivastava-I, J.)

Order Date :- 28.11.2024
Arnima

Digitally signed by :-
ASHISH DEWAL
High Court of Judicature at Allahabad,
Lucknow Bench