

Court No. - 29

Case :- APPLICATION U/S 482 No. - 9731 of 2024

Applicant :- Prem Singh @ Prem Singh Bhattee And 3 Others

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

Counsel for Applicant :- Ravindra Kumar Singh, Anurag Maurya

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Ravindra Kumar Singh, the learned counsel for the applicants, Sri Rao Narendra Singh, the learned AGA for the State, Sri Piyush Kumar Giri, Advocate who has put in appearance on behalf of the opposite party no.2 and filed her vakalatnama, which is taken on record.

2. By means of the instant application filed under Section 528 of BNSS, 2023 the applicants have sought quashing of the entire proceedings of Case No.76675 of 2019, arising out of Case Crime No.104 of 2019, under Sections 504, 506 I.P.C. registered at Police Station Sarojini Nagar, District Lucknow pending in the court of learned Judicial Magistrate-III, Lucknow.

3. Learned counsel for the parties 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. 4 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.

4. 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.

5. 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.

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[Subhash Vidyarthi,J.]

Order Date :- 25.10.2024

-Amit K-