

Smt. Hardei And Ors. vs The State Of U.P. And Anr. on 31 January, 2025

Author: Saurabh Lavania

Bench: Saurabh Lavania

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2025:AHC-LK0:6909

Court No. - 12

Case :- APPLICATION U/S 482 No. - 2376 of 2017

Applicant :- Smt. Hardei And Ors.

Opposite Party :- The State Of U.P. And Anr.

Counsel for Applicant :- Mahfooz Alam,Amar Singh,Harish Chandra,Krishna Kumar Shukla,Ram

Counsel for Opposite Party :- Govt. Advocate,Ms.Rupa Agarwal

along with

Case :- APPLICATION U/S 482 No. - 3688 of 2017

Applicant :- Sant Ram And Ors.

Opposite Party :- State Of Up And Anr.

Counsel for Applicant :- Amar Singh

Counsel for Opposite Party :- Govt. Advocate,Harish Chandra,Krishna Kumar Shukla,Ram Sha

Hon'ble Saurabh Lavania,J.

1. Heard learned counsel for the applicants, learned AGA for the State and learned counsel for the private-opposite party.

2. The Application U/S 482 No. 2376 of 2017 has been preferred seeking following main relief:-

"To quash and set-aside the entire proceedings of S.T. No. 446/2013 arising out of Crime No. 130/2010 State Vs Shri Ram & others, U/S-147/ 323/ 504/ 506 I.P.C. P.S Nagram, District Lucknow pending in the Court of Special Judge C.B.I. Vth,, Lucknow in light of the decision of Hon'ble Supreme court in the case of B.S. Joshi & others Vs State of Haryana (2003) 4 SCC 657."

3. The Application U/S 482 No. 3688 of 2017 has been preferred seeking following main relief:-

"To quash the entire proceedings of the Session Trial No. 447 of 2013 'State Vs. Sant Ram & others" arising out of Case Crime No. 130A of 2010, under Sections 147, 308, 323, 504, 506 I.P.C., Police Station Nagram, District Lucknow pending in the court of Special Judge, C.B.I., Court No. 5, District Lucknow and impugned Chargesheet dated 15.7.2010 and to stay the further proceedings of the Session Trial No. 447 of 2013 'State Vs. Sant Ram & others" arising out of Case Crime No. 130A of 2010, under Sections 147, 308, 323, 504, 506 I.P.C., Police Station Nagram, District Lucknow pending in the court of Special Judge, C.B.I., Court No. 5, District Lucknow."

4. It is stated that the F.I.R. No.84 of 2010 registered as Case Crime No.130 of 2010, under Sections 147, 323, 504 and 506 I.P.C., Police Station- Nagram, Lucknow was lodged by Sant Ram S/o Hori Lal on 28.06.2010 making allegations against Shri Ram S/o Hori Lal, Hardei W/o Shri Ram, Ram Lakhan S/o Shri Ram, Lakshmi W/o Ram Lakhan and Sharmwati D/o Shri Ram.

5. It is further stated that the Application U/S 482 No.2376 of 2017 has been filed by Smt. Hardei widow of Late Shri Ram, Ram Lakhan S/o Late Shri Ram, Lakshmi W/o Ram Lakhan and Sharmwati D/o Late Shri Ram challenging the criminal proceedings arising out of Case Crime No.130 of 2010, under Sections 147, 323, 504 and 506 I.P.C., Police Station- Nagram, Lucknow.

6. It is further stated that the F.I.R. No.85/10 registered as Case Crime No.130A/ 10, under Sections 147, 323, 504 and 506 I.P.C., was lodged by Ram Lakhan S/o Shri Ram Pasi S/o Hori Lal at Police Station- Nagram, District- Lucknow on 28.06.2010 making allegations against Sant Ram S/o Hori Lal, Shree Mati W/o Sant Ram, Sunil Kumar S/o Sant Ram, Mansharam S/o Sant Ram and Anil Kumar S/o Sant Ram.

7. It is also stated that the Application U/S 482 No.3688 of 2017 has been filed by Sant Ram S/o Shri Hori Lal, Shree Mati W/o Shri Sant Ram, Sunil Kumar, Mansharam and Anil Kumar sons of Shri Sant Ram challenging the criminal proceedings arising out of Case Crime No.130A of 2010,

under Sections 147, 323, 504 and 506 I.P.C., Police Station- Nagram, Lucknow.

8. It is further stated that from the aforesaid, it is apparent that on account of some family dispute, the cross FIRs were lodged.

9. Further submission is that during the pendency of the proceedings, Sant Ram expired on 04.06.2020 as appeared from Annexure No.A1 enclosed along with Application No.IA/4/ 2024 filed for deletion of name of Sant Ram in Application U/S 482 No.3688 of 2017 and on prayer being made in this regard, learned counsel for the applicants is permitted to do the necessary amendments during the course of day.

10. It is also stated that Hardei expired on 18.06.2022, as appeared from Annexure No.A1 enclosed along with Application No.IA/4/ 2024 filed for deletion of name of Hardei in Application U/S 482 No.2376 of 2017 and on prayer being made in this regard, learned counsel for the applicants is permitted to do the necessary amendments during the course of day.

11. It is further stated 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 Application U/S 482 No.3688 of 2017. 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.

12. 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.

13. 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 applicants to approach this Court again for quashing of the proceedings.

(vi) Office is directed to provide original compromise 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 :- 31.1.2025 G. Singh/ Anand