

Court No. - 53

Case :- APPLICATION U/S 482 No. - 38650 of 2022

Applicant :- Ram Bihari

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Ajay Sengar

Counsel for Opposite Party :- G.A., Ruchita Singh

Hon'ble Vivek Varma, J.

Heard learned counsel for the applicant, Sri Vikas Sahai, learned A.G.A. for the State- opposite party no. 1 and Sri Prabhanjan Mishra, Advocate holding brief of Ms. Ruchita Singh, learned counsel for the opposite party no. 2.

The present application under Section 482 Cr.P.C. has been filed with the prayer to set aside the order dated 28.09.2022 passed by the Additional District & Sessions Judge/ Special Judge (POCSO Act), Jalaun at Orai in Criminal Case No. 0019 of 2012, State v. Ram Bihari Rathore, arising out of Case Crime No. 0016 of 2021, under Sections 328, 377, 506 I.P.C., 3/4 Prevention of Children from Sexual Offences Act, and 67B of the Information Technology Act, 2000, Police Station Konch, District Jalaun.

Learned counsel for the applicant submits that the parties have reconciled their differences and a compromise has been entered between them, copy of the compromise deed dated 30.11.2022 has been annexed as Annexure-SA-1 to the supplementary affidavit, wherein it has been mentioned that opposite party no. 2 does not want to press the case. Therefore, no useful purpose would be served in continuing the proceedings before the Court below and the same is not only sheer wastage of time of the Court but also abuse of process of law.

Learned counsel for the opposite party no. 2 does not dispute the submissions advanced by the learned counsel for the applicant or the correctness of the documents relied upon by him.

Learned AGA, however, submits that it is the concerned court below, which has to verify the fact as to whether the parties have entered into compromise, hence the applicant may approach the concerned court below and move an application with respect to compromise between the parties, which will be decided in accordance with law.

In view of the above, both the parties are directed to appear

before the court below along with an application for verification of compromise deed so filed as well as a certified copy of this order within three weeks from today. It is expected that the trial court may fix a date for the verification of the compromise and after ensuring the presence of parties, pass an appropriate order with respect to the same in accordance with law, as expeditiously as possible, preferably within a period of two months from today. While passing the order verifying the compromise, the concerned court shall also record the statement of the parties as to whether all the terms and conditions mentioned in the original compromise deed, so filed, have been fulfilled or not.

The court 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 applicant to approach this Court again for quashing of the proceedings.

Till verification of compromise between the parties by the court concerned, no coercive action shall be taken against the applicant in the aforesaid case.

With the aforesaid directions, this application is finally disposed of.

Order Date :- 21.12.2022
SKT/-