

Court No. - 14

Case :- APPLICATION U/S 482 No. - 6415 of 2025

Applicant :- Amit Agarwal

Opposite Party :- State Of U.P. Thru. Secy. Deptt. Of Home Lko. And 2 Others

Counsel for Applicant :- Sri Shailendra Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Shree Prakash Singh,J.

1. The legal question is involved in this matter and therefore, this is being decided at the admission stage. the notices to the opposite parties are hereby dispensed with.

2. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

3. By means of the instant application, the applicant has prayed to set aside the orders dated 22.08.2024, 22.10.2024 and 06.06.2025 passed by the opposite party no.2- ACJM/FTC, Lakhmpur Kheri, District- Kheri in Criminal Case No.2701 of 2025; *State Vs. Amit Agarwal* arising out of Case Crime No.427 of 2003 under Sections 419, 420, 467, 468, 504, 506 and 406 IPC, P.S.- Kotwali, District- Lakhimpur Kheri.

4. The learned counsel for the applicant submits that the opposite party no.3 (informant) lodged the first information report on 15.04.2023 bearing Case Crime No.427/2003 under Sections 419, 420, 467, 468, 504, 506, 406 IPC, Police Station- Kotwali, District- Lakhimpur Kheri and the investigation was done and the charge-sheet was filed and in the meantime, the applicant and the informant sat together and amicably settled their dispute by way of executing the compromise deed and thereafter, an application under Section 482 Cr.P.C. No.4905 of 2014 was preferred before this Court, wherein, on 12.01.2015, the matter was referred to the learned trial court for verification of the compromise deed arrived at between the parties and the further proceeding was also stayed.

5. He further argued that after the aforesaid order passed by this Court, compromise deed was submitted before the learned trial court along with the application dated 04.02.2015, and thereafter, neither any summon was issued nor the compromise deed executed between the parties was verified but all of a sudden, on 22.08.2024, the non-bailable warrant was issued against the applicant and thereafter, on 06.06.2025, a proclamation under Section 82 of Cr.P.C. has also been issued.

He submits that the learned trial court has ignored the compromise deed filed before it, even after the order passed by this Court for verifying the compromise deed, as the same has still not been verified. He submits that the order impugned passed by the learned trial court is under teeth of order dated 12.01.2015.

6. The further contention put-forth is that once, the parties have settled their dispute and have entered into a compromise deed and that too is filed before the learned trial court in compliance of the order passed by this Court, there is no occasion to proceed further with the criminal case unless the compromise deed is verified and the order for staying the proceeding passed by this Court dated 12.01.2015 is revoked.

7. Concluding his argument, he submits that the order of non-bailable warrant as well as proclamation under Section 82 of Cr.P.C. assailed by way of instant application may be set aside and the learned trial court may be directed to verify the compromise deed dated 22.03.2010.

8. On the other hand, learned AGA for the State, though, has opposed the contentions aforesaid but he could not dispute that vide order dated 12.01.2015, applicant had given liberty to move before the trial court by way of submitting the compromise deed and the trial court was directed to verify the same.

9. Having considered the submissions of learned counsel for the parties and after perusal of record, it transpires that because of the dispute arose between the parties with respect to the certain transaction, the first information report was lodged by the opposite party no.2 (informant), whereafter, the matter was proceeded but in the meantime, the parties settled their dispute by way of a compromise deed dated 22.03.2010 and trial court, on the place of considering the same, has proceeded with the case and as per the contention of learned counsel for the applicant, the non-bailable warrant was issued directly after a gap of 9 years ignoring the compromise deed dated 22.03.2010.

10. The fact remains that undoubtedly, the compromise deed is before the learned trial court and there is a direction of this Court to verify the same and that has still not been done.

11. For the forgoing reasons, this Court finds merit in the application and therefore, the present application is **allowed**. Resultantly, the orders dated 22.08.2024, 22.10.2024 and 06.06.2025 passed by the opposite party no.2- ACJM/FTC, Lakhmpur Kheri, District- Kheri in Criminal Case No.2701 of

2025; *State Vs. Amit Agarwal* arising out of Case Crime No.427 of 2003 under Sections 419, 420, 467, 468, 504, 506 and 406 IPC, P.S.- Kotwali, District- Lakhimpur Kheri are hereby **set aside.**

12. The matter is remitted back to the trial court concerned to make compliance of the order dated 12.01.2015 passed by this Court in Application U/S 482 No.4905 of 2014. The parties shall cooperate with the proceedings before the trial court.

Order Date :- 12.8.2025

V. Sinha