



2026:UHC:3509

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>C482/594/2024</u> <u>Hon'ble Alok Mahra, J.</u> Mr. Amar Murti Shukla along with Ms. Gyanmati Kushwaha, learned counsel for the applicant. 2. Mr. Rakesh Joshi, learned A.G.A. along with Mr. Manoj Bhatt, learned Brief Holder for the State. 3. Mr. Sanjay Kumar, learned counsel for private respondents. 4. The present application under Section 482 Cr.P.C. has been filed seeking modification/alteration of the summoning order dated 14.03.2024 passed by the learned Additional Chief Judicial Magistrate, Kashipur in Criminal Case No. 347 of 2024, arising out of an application under Section 156(3) Cr.P.C., which was treated as a complaint case. It has been prayed that, apart from Sections 420 and 506 I.P.C., cognizance/summoning ought also to have been taken under Sections 120-B, 406, 467 and 468 I.P.C., in view of the allegations and material available on record. 5. Learned counsel for the applicant would submit that the applicant had initially moved an application under Section 156(3) Cr.P.C. alleging therein that the private respondents had committed cheating and forgery by



		misrepresenting themselves to be owners of certain land and fraudulently executing transactions in respect thereof, thereby causing wrongful loss to the applicant to the tune of ₹42 lakhs. It is submitted that the said application was treated as a complaint case and thereafter statements under Sections 200 and 202 Cr.P.C. were recorded along with documentary evidence. However, despite the material available on record, the learned Magistrate vide summoning order dated 14.03.2024 summoned the accused persons only for the offences punishable under Sections 420 and 506 I.P.C. It is contended that the offences under Sections 120-B, 406, 467 and 468 I.P.C. are also clearly made out and, therefore, the impugned summoning order deserves to be modified/alterd accordingly. 6. Learned counsel for the applicant further submits that during pendency of the present proceedings, the applicant and private respondent nos. 2, 4, 5 and 6 have amicably resolved their dispute and a compromise deed has been executed between them. A copy of the compromise deed has been produced before this Court and the same is taken on record. 7. Heard learned counsel for the parties and perused the record. 8. A perusal of the compromise deed would reveal that the applicant and respondent nos. 2, 4, 5 and 6 have
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			amicably settled their dispute on the following terms and conditions:- (i) That respondent nos. 2, 4, 5 and 6 have agreed to hand over four cheques, particulars whereof are mentioned in the compromise deed, amounting in total to ₹34 lakhs to the applicant before this Court today. The said respondents, who are present before this Court, undertake that sufficient funds are available in their respective accounts and the said cheques shall be duly honoured on presentation. (ii) That respondent nos. 2, 4, 5 and 6 shall approach the competent court of law for cancellation of the sale deed dated 16.05.2023 alleged to have been executed in favour of the applicant and the applicant shall extend full cooperation and support in the said proceedings for cancellation of the aforesaid sale deed. (iii) That respondent nos. 2, 4, 5 and 6 further undertake that either the aforesaid cheques shall be honoured on or before the date on which the competent court passes the order/judgment cancelling the aforesaid sale deed dated 16.05.2023, or, in the alternative, demand drafts amounting to ₹34 lakhs shall be handed over to the applicant on the very same day on which such order/judgment of cancellation is passed. (iv) In the event of failure on the part of respondent nos. 2, 4, 5
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			<i>and 6 to comply with the aforesaid conditions regarding payment, it shall be open to the applicant to move an appropriate application for recall of the order passed by this Court.</i> <i>(v) It is further agreed between the parties that any observation made in the present proceedings shall not adversely affect the rights and contentions of the parties in any other civil or criminal proceedings pending or instituted between them.</i> <i>(vi) In case any term or condition of the compromise is violated by either party, the aggrieved party shall be at liberty to avail such remedy as may be available to them in accordance with law.</i> 9. In view of the compromise arrived at between the parties, no further orders are required to be passed in the present proceedings. 10. Accordingly, the present application under Section 482 Cr.P.C. stands disposed of in terms of the compromise entered into between the parties. 11. The compromise deed shall form part of the record. 12. The Registry is directed to paginate the compromise deed appropriately in the record of the case. 13. It is made clear that the observations and findings recorded by this Court in the present order are confined to the peculiar facts and circumstances of the instant case. Any
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			other dispute or proceedings pending between the parties before any Court or forum shall be adjudicated independently on their own merits, without being influenced in any manner by the observations or findings made herein. (Alok Mahra, J.) 07.05.2026 Mamta
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