

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			C482 No.1152 of 2023 With IA/1/2023 (Compounding Application) <u>Hon'ble Sharad Kumar Sharma, J.</u> Mr. Lalit Sharma, learned counsel for the applicants. Mr. V.S. Rawat, learned Brief Holder for the State. Mr. Himanshu Joshi, learned counsel holding brief of Mr. Atul Bahuguna, learned for respondent no.2. The applicants to the C482 Application have put a challenge to the proceedings of the Criminal Case No.446 of 2018, "State Vs. Rajeev Methani & Others", whereby they have been summoned by the Court of learned Judicial Magistrate, 1st Class, Srinagar, District Pauri Garhwal; for being tried for the offences under Sections 498-A, 504, 506 of the IPC and Section 3/4 of the Dowry Prohibition Act, which emanated from FIR No.5 of 2017, as it was registered by the complainant/ respondent no.2 on 12.08.2017. This C482 Application is listed on a compounding application, which has been duly signed by all the parties, including their respective counsels, who have verified the contents of the compounding application. The applicants are present in person, who have been duly identified by the counsel for the applicants.

			As far as the complainant/ respondent no.2 is concerned, she has participated in the proceedings through video-conferencing and this Court had interacted with her. The compounding has been sought, on the ground, that the parties have agreed that they will be living separately, but there have been no details of the further proceedings drawn by the parties under Section 13B of the Hindu Marriage Act. In order to fill up that lacuna, the learned counsel for the applicants has supplied the certified copy of the plaint of Section 13B proceedings, as instituted before the Family Court, Pauri Garhwal, being H.M. Case No.01 of 2023, “Smt. Sandhya Methani Vs. Rajeev Methani”, as it has been drawn under Section 13B of the Hindu Marriage Act on 04.02.2023. As a consequence to the drawing of the aforesaid proceedings, the total alimony, which has been agreed to be paid by Mr. Rajeev Methani, has been settled to be ₹6 lakh. The complainant / respondent no.2, who participated in the proceedings through video-conferencing, has made a statement that she is willing to withdraw the criminal proceedings, because they have already entered into a settlement, which has resulted into institution of a proceedings under Section 13B of the Hindu Marriage Act, but she has submitted that ₹1.50 lakh, which was supposed to be paid by the
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		Rajeev Methani as a first motion for the proceedings held under Section 13B of the Hindu Marriage Act, has not yet been remitted. Mr. Rajeev Methani during the course of the proceedings of this C482 Application has supplied a draft, being Draft No.003405 dated 19.08.2023, as it has been drawn from the HDFC bank, Chattarpur, Delhi branch in favour of “Sandhya Bhatt”(as she was initially having her surname prior to her marriage). She further submitted that since she holds the account in the name of Sandhya Bhatt, the name in which her accounts are standing, she may not be having any grievance, as such, in case the draft, which has been submitted before this Court in the name of Sandhya Bhatt, is accepted in her favour. Owing to the said statement, the said draft is taken on record. The Bench Secretary is directed to prepare a Xerox copy of the draft and will supply the original to the learned counsel for the respondent no.2, after receiving his signatures on the Xerox copy. Learned counsel for respondent no.2 thus appearing undertakes, that he will be handing over the draft in original to the complainant/respondent no.2 within a period of one week from today. Owing to what has been observed above and, particularly, under the terms of proceedings
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		drawn under Section 13B of the Hindu Marriage Act and, in the light of the statement as recorded by the complainant/ respondent no.2, since they have settled their dispute, the continuance of proceedings of Criminal Case No.446 of 2018, “State Vs. Rajeev Methani & Others” pending consideration before the Court of Judicial Magistrate, 1st Class, Srinagar, District Pauri Garhwal would be nothing but an act of futility.
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In view of the above and, particularly, in the light of the consent extended by the complainant/ respondent no.2, the proceedings of Criminal Case No.446 of 2018, “State Vs. Rajeev Methani & Others” is hereby quashed.

Accordingly, the C482 Application would stand closed. However, the closure of this proceeding will have no bearing so far as the proceedings under Section 13B of the Hindu Marriage Act is concerned i.e. to be decided, exclusively, as per the terms and conditions referred therein.

(Sharad Kumar Sharma, J.)

23.08.2023

Sukhbant