

Sl. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			C-482 No. 1184 of 2022 <u>Hon'ble Sharad Kumar Sharma, J.</u> Mr. Vansh Sharma, Advocate, holding brief of Mr. Bhupesh Kandpal, Advocate for the applicants. Mr. S.C. Dumka, A.G.A. for the State. Mr. Karan Anand, Advocate for the respondents. This C-482 applicant itself has a very chequered history as of now which calls for an occasion for this Court to exercise my inherent jurisdiction of this Court for appropriately considering the issue, which has now cropped up because of number of subsequent developments, which has now taken place. To begin with, this C-482 application was preferred by the applicants by putting a challenge to the proceedings of Criminal Case No. 5614 of 2021, State Vs. Samraat Bhandula, being a proceedings drawn against them, for prosecuting them for the offences under Sections 498-A, 323, 504 and 506 of IPC and 3/4 of the Dowry Prohibition Act, which stood registered at the behest of complainant respondent by way of an FIR No. 736 of 2020 dated 28.12.2020 and the consequential submission of the charge sheet to it. Upon submission of the charge sheet, the present applicants were summoned by the Court of Chief Judicial Magistrate, Udham Singh Nagar, hence, 482 application was filed challenging the entire

			proceedings. When this 482 application was taken up, the coordinate bench while issuing notices and calling for a counter affidavit, had granted an interim protection on 26.07.2022. The matter persisted to continue for a sufficient long time till it was listed before this Court on 24.08.2022. Ultimately, the controversy boiled down when the matter was taken up by this Court on 29.08.2023 and owing to the fact that it was a matrimonial dispute and there was a small girl child, born out of the matrimony, this Court thought it feasible to settle the dispute in the chambers. Hence, the parties were called upon to participate in the proceedings for settlement in the chambers for considering the C-482 application, as well as, the connected Criminal Revision No. 591 of 2023. Owing to the understanding given in the chambers in the presence of their respective counsels, this Court passed an order to the effect that owing to the fact that the parties have agreed unconditionally to revive their matrimonial relationship. Considering the well being of applicant no. 2 and the future of the child, the Court had passed an order voluntarily, based on the said statement that the applicant no. 1 would revive back the relationship in terms of the conditions given in the order itself in paragraph 14. But, this Court when it found that the parties have settled their dispute and they had agreed to revive back their relationship while exercising my inherent
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			powers under 482, this Court has passed the following order, which is extracted hereunder; “Owing to the settlement which has been arrived at between the parties, as narrated above, these two proceedings would hereby stand dropped and as a consequence thereto, the principal proceedings from which the C482 Application has generated or from which the Criminal Revision has been generated that will also stand quashed along with the proceedings under Section 12 of the Domestic Violence Act and Section 9 of the Hindu Marriage Act, as referred to hereinabove.” Consequent to the order of 29.08.2023, apart from the fact that the proceedings of 482 was closed, the proceedings of the Criminal Revision emanating from the proceedings under Section 125 of the Cr.P.C., too was closed, as well as, the proceedings under Section 12 of the Domestic Violence Act and Section 9 of the Hindu Marriage Act too, had been directed to be closed in pursuance to the order of 29.08.2023. But, thereafter, owing to the non-compliance of the conditions given in paragraph 13 and 14 of the judgment dated 29.08.2023, the respondent had filed a recall application being MCRC No. 7 of 2023, on 05.10.2023. On this recall application, since, the applicant has committed a perjury by making a false statement and false assurance, before the Court by soliciting an order of 29.08.2023 and then not complying the same, this Court had directed the Registry to register the FIR
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			against the applicant. Consequently, the Registry has registered the FIR No. 56 dated 18.10.2023 for involvement of the applicants in commission of offence under Sections 177 and 193 IPC proceedings are pending. When the matter was taken up again on 10.10.2023, the counsel for the respondent was directed to supply the copy of the recall application to the counsel for the applicants and by an order of 10.10.2023, he was directed to file an objection to the recall application, the same has not yet been filed. But as a consequential effect of the order passed by this Court on 29.08.2023, all the proceedings i.e. the proceedings of Criminal Case No. 5614 of 2021, State Vs. Samraat Bhandula , which stood pending consideration before the Court of Chief Judicial Magistrate, Udham Singh Nagar, the proceedings of Criminal Revision which was arising out of proceedings under Section 125, as against the order passed on 31.07.2023 i.e. being the Criminal Revision No. 591 of 2023 too stood closed and as a consequence to the order of 29.08.2023, even the proceedings of Misc. Criminal Case No. 202 of 2020 Smt. Vimmi and Another Vs. Samrat, under Section 125 was too closed on account of terms of settlement as referred to in the order of 29.08.2023. So was the destiny assigned to the proceedings under Section 12 of the Domestic Violence Act and Section 9 of the Hindu Marriage Act. Because of the settlement, which later on
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			stood non-complied and resiled by the applicant, the consequential effect was, that all the proceedings detailed above stood dropped because of the order dated 29.08.2023, and taking advantage of the same, the applicant had not complied with the order passed by this Court on 29.08.2023 and is simultaneously taking an advantage of the order dated 29.08.2023, the proceedings, as referred to hereinabove. Thus, while allowing the recall application, which remains un-objected despite of the time, having been granted to the applicants' counsel, the resultant effect of today's order would be; (i) that the C-482 application would stand dismissed on merits, leaving it open for the applicants to resort to the proceedings as per the judgment of Satyendra Kumar Antil Vs. CBI, as reported in (2022) 10 SCC 151. They would surrender and seek his bail from the Trial Court. (ii) As a result of today's order, the proceedings of Criminal Misc. Case No. 22 of 2020, Smt. Vimmi and another Vs. Samrat being a proceedings under Section 125 Cr.P.C. which stood closed because of an order of 29.08.2023 would revive back if not decided already and would be decided on merits by the Principal Judge I, Family Court, District Udham Singh Nagar. (iii) Furthermore, the proceedings under
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			Section 12 of the Domestic Violence Act as instituted by the respondent herein, which also revive back before the competent court, which is to be decided now on merits. (iv) So would be the destiny of the proceedings under Section 9 of the Hindu Marriage Act. All the proceedings <i>inter se</i> between the parties, which stood closed because of the terms of the settlement dated 29.08.2023, which later on stood resiled by the applicant would revived back and the same would be decided on its merit. Accordingly, the recall application would stand disposed of and consequently, the C-482 application too would stand dismissed on merits. (Sharad Kumar Sharma, J.) 01.12.2023 Ujjwal
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