

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	<u>06.09.2023</u>		C482 No. 1670 of 2023 <u>Hon'ble Sharad Kumar Sharma, J.</u> Mr. D.C.S. Rawat, Advocate, for the applicants. Mr. Vinod Kumar Gemini, Deputy Advocate General, for the State. Mr. Ajay Joshi, Advocate, for the Ajay Joshi, Advocate, for the respondent. Respondent No. 2 has registered an FIR No. 323 dated 12.05.2022, thereby naming the present applicants as to be accused persons for commission of offence under Sections 498A, 504 of IPC and Section 3/4 of the Dowry Prohibition Act. Upon submission of the Chargesheet, the proceedings of Criminal Case No. 2206 of 2022, State Vs. Ankur Rajput and others, it stood instituted before the Court of 1st Additional Chief Judicial Magistrate, Dehradun, on which present applicants have been summoned by an order dated 22.03.2023. Challenging the aforesaid proceedings, as well as the summoning order and the Chargesheet, present C482 Application has been filed along with the Compounding Application. In the pleadings, in the C482 Application, it has been mentioned by the parties and particularly, the parties to the matrimony i.e. applicant No. 1 and

			respondent No. 2, that they have settled their scores in terms of the settlement which has been arrived at on 09.06.2023, which finds reference in the C482 Application as Annexure-4 and in view of the aforesaid, the parties are not in dispute, that they have settled their controversy in terms of the settlement, coupled with the fact that a proceeding under Section 13B of the Hindu Marriage Act, has already been drawn by the parties, the details of which are given herein:- “Divorce Petition No. 214 of 2023, in between Ankur Rajpoot and Neha Chauhan, before the Court of Family Judge, Kashipur, District Udham Singh Nagar.” In pursuance to the aforesaid settlement, a total alimony has been settled to be paid to the tune of Rs. 34.00 lakh and it is admitted by the respondent No. 2 that out of the aforesaid alimony, she has already received Rs. 21.00 lakh by way of an amount paid to her on the first motion and the balance amount is to be paid in the second motion. Since the composition has been sought with regard to matrimonial dispute and the parties to the matrimony are present in person, who have been interacted by this Court and they have recorded their statements, accepting the terms of the settlement, as well as they are accepting the fact of institution of the proceedings under Section 13B of the Hindu Marriage Act, the requirement of
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		applicant Nos. 2 and 3, may not be of much relevance for deciding this C482 Application on the basis of Compounding Application. Since the dispute being purely a civil dispute arises out of a matrimonial discord, learned Government Advocate too is not having any serious objection, as such, in case, if the C482 Application is decided in terms of the settlement and considering the fact of institution of the proceedings under Section 13B of Hindu Marriage Act. Since now the entire controversy amongst the parties is to be settled in the pending proceedings under Section 13B of the Hindu Marriage Act, as detailed hereinabove, the complainant respondent No. 2 agrees that in case if the proceedings of the Criminal Case No. 2206 of 2022, State Vs. Ankur Rajput and others, pending consideration before the Court of 1st Chief Judicial Magistrate, Dehradun is dropped, she may not be having any grievances, as such. Owing to the aforesaid statements made by her before this Court, coupled with the fact of acceptance of part of the alimony as stated by her, continuance of the proceedings of Criminal Case No. 2206 of 2022, State Vs. Ankur Rajput and others, would be nothing but an act of futility, particularly once the parties have resolve to settled their dispute by dissolving their marriage by resorting to the proceedings under Section 13B of the Hindu Marriage
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			Act. Owing to above, C482 Application would stand disposed of and as a consequence thereto, the proceedings of the Criminal Case No. 2206 of 2022, State Vs. Ankur Rajput and others, pending consideration before the Court of 1st Additional Chief Judicial Magistrate, Dehradun, would hereby stand quashed. (Sharad Kumar Sharma, J.) 06.09.2023 Mahinder/
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