

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	<u>18.09.2023</u>		C482 No. 1806 of 2023 <u>Hon'ble Sharad Kumar Sharma, J.</u> Mr. Vikas Anand, Advocate, for the applicants. Mr. Vinod Kumar Gemini, Deputy Advocate General, for the State. Mr. B.S. Koranga, Advocate, holding brief of Mr. Piyush Srivastav, Advocate, for the respondent. In order to override the vices of Triple talaq, the legislature has formulated an Act called as "Muslim Women (Protection of Rights on Marriage) Act, 2019." The plaintiff respondent No. 2, has registered an FIR No. 106 dated 03.07.2020, raising an allegation against the present applicant for his involvement in commission of the offence under Section 323 of IPC and Section 3/4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019. The matter has been sought to be compounded on the ground, that the parties have entered into a settlement, as appended with the supplementary affidavit filed in support of the Compounding Application, laying down the terms of the settlement in the agreement dated 25.08.2023, which has been jointly signed by both the parties, who are present in person and they have

		accepted the terms of the settlement too, which has been placed before this Court though despite the fact that it was by way of a notarised agreement, but the applicant has made a statement that in terms of the settlement which has been referred to hereinabove, apart from the fact that the parties have settled their dispute and he has paid the mehr of Rs. 1,50,000/-, besides this, he has also paid a sum of Rs. 50,000/- in addition to it, which has been taken as to be the basis for composition of offence for which the proceedings have been undertaken by way of Criminal Case No. 46 of 2021, State Vs. Moin Khan, being the proceedings which are pending consideration before the Court of Judicial Magistrate, Kichha, District Udham Singh Nagar. This Court has interacted with the parties, who are present in person and the parties have jointly made a statement before this Court that based upon the terms of the settlement the applicant would be instituting a proceedings under the Muslim Women (Protection of Rights on Marriage) Act, 2019, for getting their marriage dissolved before the competent Court. Owing to the aforesaid undertaking given by the applicant, the present Compounding Application would stand dropped subject to the condition that the applicant institute the proceedings for seeking a dissolution of marriage within a period of three weeks from the date of the receipt of the
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			certified copy of this order, under the terms of the settlement which has been filed with the supplementary affidavit. If he does so within the aforesaid period, the proceedings of Criminal Case No. 46 of 2021, State of Uttarakhand Vs. Moin Khan, as drawn against him which is presently pending consideration before the Court of Judicial Magistrate, Kiccha, District Udham Singh Nagar, would hereby stand quashed. It is hoped and trusted, that as soon as the proceedings for dissolution of marriage is filed by the applicant, the Court concerned would ensure to decide the same as expeditiously as possible, but not later than two months from the date of institution of the proceedings, since the dissolution has been sought on a joint consent of the parties, where an adjudication on merits is not required to be made. Subject to the aforesaid, the C482 Application would stand disposed of. (Sharad Kumar Sharma, J.) 18.09.2023 Mahinder/
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