

**Court No. - 92**

**Case :-** APPLICATION U/S 482 No. - 1680 of 2023

**Applicant :-** Varun Kumar Shukla

**Opposite Party :-** State of U.P. and Another

**Counsel for Applicant :-** Tarun Kumar Shukla

**Counsel for Opposite Party :-** G.A.,Ajay Kumar Jagdish,Ashok Kumar Singh Bais

And

**Case :-** APPLICATION U/S 482 No. - 27521 of 2022

**Applicant :-** Varun Kumar Shukla And 4 Others

**Opposite Party :-** State of U.P. and Another

**Counsel for Applicant :-** Ajay Singh

**Counsel for Opposite Party :-** G.A.,Ajay Kumar Jagdish,Ashok Kumar Singh Bais

**Hon'ble Anish Kumar Gupta,J.**

1. Heard Sri Tarun Kumar Shukla, learned counsel for the applicant in Application U/S 482 No.1680 of 2023 and Sri Ajay Singh, learned counsel for the applicants in Application U/S 482 No.27521 of 2022. Sri Rohit Singh, Advocate holding brief of Sri Ashok Kumar Singh Bais, learned counsel for opposite party no.2 and Sri Ramesh Kumar, learned A.G.A. for the State in both the applications.

2. The Application U/S 482 No.1680 of 2023 has been filed by the applicants seeking quashing the entire proceedings of Domestic Violence Application No.5971 of 2021 (Smt. Priyanka Vs. Varun Kumar and others), pending in the Court of Civil Judge, Junior Division (offences against women), Jaunpur and Application U/S 482 No.27521 of 2022 has been filed seeking quashing the charge sheet dated 28.03.2022 as well as cognizance/summoning order dated 29.06.2022 passed in Case Crime No.253 of 2021 (Priyanka Mishra Vs. Varun Kumar Shukla & others), under Sections 498-A, 323, 506 I.P.C. and Section 3/4 D.P. Act, Police Station Mugra Badshahpur, District Jaunpur, pending in the Court of Chief Judicial Magistrate, Jaunpur.

3. Since, in the earlier Application U/S 482 No.27521 of 2022 vide

order dated 05.09.2022 the matter was referred for mediation between the parties. However, as per report dated 01.04.2023, mediation between the parties could not succeed. Subsequently, in Application U/S 482 No.1680 of 2023, again the matter was referred for mediation by this Court on 23.01.2023. As per the report of the Mediation Centre dated 27.10.2023, which has been sent along with settlement agreement between the parties according to which the parties were agreed to settle all their disputes in the following terms:-

*"a) That the parties appeared before the Centre and stated that they have been living together as husband and wife in perfect harmony forgetting all previous disputes and differences and satisfied with this reunion and further they want to continue it for the rest of their lives also.*

*b) That the parties further undertake to discharge all matrimonial obligations towards each other in respectful manner and undertake not to commit any kind of cruelty against each other in any manner whatsoever.*

*c) That the parties undertake that they shall not take any such action which may hurt either of the party mentally or physically and shall try to satisfy each other by their activities.*

*d) That the husband undertakes to take care of his wife and daughter and provide all essential requirements and amenities to them in future.*

*e) That it has also been agreed between the parties that all the cases filed by them against each other shall be withdrawn by the parties concerned by taking appropriate steps before the Court/authority concerned.*

*f) That in view of the present final settlement both the parties have further agreed that they will not file any fresh cases against each other in respect to their present matrimonial dispute in future and will adhere to the conditions of the present settlement.*

*g) That it has been agreed between the parties that they shall not violate the terms and conditions of the settlement, otherwise the aggrieved party will be free to take legal recourse."*

4. As per aforesaid terms of settlement, the parties are now residing as husband and wife together and are discharging their matrimonial obligations after condoning the previous acts of each other and they have agreed to withdraw all the cases against each other.

5. The aforesaid facts are not disputed by learned counsel for opposite party no.2. Learned A.G.A. also does not dispute the factum of compromise and does not oppose the quashing of the proceedings of both the cases against the applicants in view of the

settlement between the parties as both the parties have now started living together as husband and wife.

6. In view of the aforesaid submissions and on perusal of the mediation settlement/agreement between the parties dated 27.10.2023, this Court finds it appropriate to quash the proceedings of both the cases as mentioned above. In view of the above, nothing survives in the instant case. In view of the settlement between the parties and as the matrimonial dispute between the parties has already been settled, they have started living as husband and wife, both these applications are **allowed** and entire proceedings of Domestic Violence Application No.5971 of 2021 (Smt. Priyanka Vs. Varun Kumar and others), pending in the Court of Civil Judge, Junior Division (offences against women), Jaunpur and proceedings of charge sheet dated 28.03.2022 as well as cognizance/summoning order dated 29.06.2022 passed in Case Crime No.253 of 2021 (Priyanka Mishra Vs. Varun Kumar Shukla & others), under Sections 498-A, 323, 506 I.P.C. and Section 3/4 D.P. Act, Police Station Mugra Badshahpur, District Jaunpur, pending in the Court of Chief Judicial Magistrate, Jaunpur, are hereby **quashed**.

**Order Date :- 14.12.2023**

Atul