

Court No. - 87

Case :- APPLICATION U/S 482 No. - 3103 of 2021

Applicant :- Beena Sharma And 2 Others

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

Counsel for Applicant :- Atharva Dixit, Ashwini Kumar Awasthi, Manish Tiwary (Senior Adv.)

Counsel for Opposite Party :- G.A., Rajesh Kumar Kanojia, Swetashwa Agarwal

Hon'ble Neeraj Tiwari, J.

1. Heard learned counsel for the applicants, learned AGA for the State and Sri Sachin Kumar, advocate holding brief of Sri Swetashwa Agarwal, learned counsel for opposite party no. 2.

2. The present 482 Cr.P.C. application has been filed to quash the sheet dated 29.02.2020, summoning order dated 26.06.2020 as well as entire proceedings of Case No. 4168 of 2020 (State Vs. Ashutosh and others), arising out of case crime no. 03/2020, under Sections- 498A, 323, 307, 504, 406 I.P.C. and 3/4 D.P. Act against applicant nos. 1 & 2 and Sections 498A, 323, 354A, 307, 504, 406 I.P.C. and 3/4 D.P. Act against applicant no. 3, Police Station- Pallavpuram, District- Meerut

3. Learned counsel for the applicants submitted that earlier criminal proceeding was initiated against husband of opposite party no. 2 and other family members. He next submitted that husband of opposite party no. 2 has filed separate Application U/S 482 No. 2437 of 2021 before this Court and ultimately on the basis of compromise between husband and wife (opposite party no. 2 in the present case), criminal proceeding was quashed vide order dated 6.2.2023. He next submitted that present dispute is also between the same parties, therefore, in light of order dated 6.2.2023 passed in Application U/S 482 No. 2437 of 2021, present proceeding may also be quashed.

4. Sri Sachin Kumar, advocate holding brief of Sri Swetashwa Agarwal, learned counsel for opposite party no. 2 has not objected the aforesaid fact and submitted that in case proceedings is quashed, he would have no objection.

5. In view of above, the applicants and opposite party no. 2 do not

want to pursue the case any further as stated by them. The matter has been mutually settled between the parties, therefore, no useful purpose would be served in proceeding with the matter further.

6. Thus in view of the well settled principle of law as laid down by the Hon'ble Apex Court in the matters of **Krishnappa & Ors. vs. State of Karnataka; 2021 0 Supreme(SC) 529, Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and Ors. vs. State of Gujarat and another; 2017 9 SCC 641, B.S. Joshi Vs. State of Haryana; 2003(4) SCC 675, Nikhil Merchant Vs. Central Burea of Investigation and another; (2008) 9 Supreme Court Cases 677, Gian Singh Vs. Stated of Punjab; (2012) 10 SCC 303 and Narinder Singh & others Vs. State of Punjab and another; (2014) Supreme Today 642**, the proceedings of the aforesaid case is hereby quashed.

7. The present application is, accordingly **allowed**. No order as to costs.

Order Date :- 9.11.2023

Arvind