

Court No. - 92

Case :- APPLICATION U/S 482 No. - 3535 of 2021

Applicant :- Abhishek Shukla And 2 Others

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

Counsel for Applicant :- Devendra Kumar Misra

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta,J.

1. The instant application under Section 482 Cr.P.C. has been filed seeking quashing of the charge sheet dated 21.06.2020 as well as cognizance/summoning order dated 09.11.2020 and the entire proceedings of Criminal Case No. 34330 of 2020 (State vs. Abhishek Shukla and others) arising out of Case Crime No. 763 of 2019, under Sections 498-A, 323, 504, 506 IPC and 3/4 Dowry Prohibition Act, P.S. Barra, District Kanpur Nagar, pending in the court of Special Chief Judicial Magistrate, Kanpur Nagar.

2. Vide order dated 18.02.2021, the matter was referred to Mediation and Conciliation Centre of this Court for mediation between the parties and as per the report dated 21.10.2022 received from the Mediation and Conciliation Centre of this Court, have entered into a settlement through mediation on following terms:

"1. Disputes and differences had arisen between the Parties hereto and Application U/s 482 No. 3535 of 2021 was filed before the Hon'ble High Court.

2. The matter was referred to mediation/conciliation vide order dated 18.02.2021 passed by Hon'ble Mrs. Manju Rani Chauhan, J.

3. The parties agreed that Mr. B.R. Singh and Ms. Reema Gupta, Advocates would act as their Conciliator Mediator, in Mediation Case No. 1498/2022.

4. Several joint and separate meeting was held during the process of Conciliation/Mediation on 17-06-2022, 08-07-2022, 26-08-2022, 23-09-2022 and 21-10-2022 and the parties have with the assistance of the Mediator/Conciliator voluntarily arrived at an amicable solution resolving the above-mentioned disputes and differences. 5. The marriage of Mr. Abhishek Shukla (Applicant No. 1-Husband) and Ms. Divya Shukla (OP No. 2-Wife) was solemnized on 11.11.2016. Due to some dispute and differences parties started living separately since 18.11.2018. Out of aforesaid wedlock, the parties have a son, namely Ashwat (at present aged about 3 years).

6. The parties hereto confirm and declare that they have voluntarily and of their own free will arrived at this Settlement Agreement in the presence of

the Mediator/Conciliator.

7. In view of the Interim Settlement Agreement dated 08.07.2022, the following settlement has been arrived at between the Parties hereto

a) That the parties entered into an interim settlement dated 08.07.2022 and decided to live together as husband and wife forgetting all previous disputes and differences. In continuation of the aforesaid interim settlement, the parties appeared and stated that they are fully satisfied with this reunion and further they want to continue it for the rest of their lives.

b) That the parties undertake not to commit any kind of cruelty against each other in any manner whatsoever.

c) That it has been agreed between the parties that they will behave properly living in peaceful and cordial atmosphere.

d) That the husband undertakes to take care of his wife and son and fulfill 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 or their family members regarding present matrimonial dispute shall be withdrawn by the parties concerned by taking appropriate steps before the Court authority concerned.

f) That the parties will not file any fresh case against each other in respect of this matrimonial dispute. They have no claim against each other in future also.

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

8.-By signing this Agreement the Parties hereto state that the Application Us 482 No. 3535 of 2021 and all disputes and differences in this regard have been amicably sealed by the Parties hereto through the process of Conciliation/Mediation."

3. As per the aforesaid settlement, the parties have agreed to live together as husband and wife.

4. Therefore, in view of the settlement between the parties, the instant proceedings of Criminal Case No. 34330 of 2020 (State vs. Abhishek Shukla and others) arising out of Case Crime No. 763 of 2019, under Sections 498-A, 323, 504, 506 IPC and 3/4 Dowry Prohibition Act, P.S. Barra, District Kanpur Nagar, are quashed.

5. In view of the aforesaid observation, the instant application is disposed of.

Order Date :- 31.10.2023
Ashish Pd.