

Court No. - 92

Case :- APPLICATION U/S 482 No. - 4150 of 2023

Applicant :- Irfan @ Irfan Rain And Another

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

Counsel for Applicant :- Vinay Kumar Singh

Counsel for Opposite Party :- G.A.,Rajesh Kumar Yadav

Hon'ble Anish Kumar Gupta,J.

1. None is present on behalf of the applicants as well as the opposite party no.2, to press the instant application. Sri Prem Prakash Tripathi, learned A.G.A. for the State.

2. The instant application under Section 482 Cr.P.C. has been filed seeking quashing of the charge-sheet No.477 of 2019 dated 10.07.2019 as well as summoning/cognizance order dated 25.06.2020 in Criminal Case No. 1984 of 2020 (State vs. Irfan Rain and Others), arising out of Case Crime No. 312 of 2019 u/S 494, 323, 504, 506, 498-A I.P.C., Section 3/4 of D.P. Act, P.S.- Kotwali Lalitpur, District- Lalitpur, pending before Chief Judicial Magistrate-I, Lalitpur, on the basis of compromise between the parties, vide order dated 16.03.2023. The said compromise dated 10.02.2023, this Court has directed the verification of the compromise dated 21.02.2023, by the Trial Court concerned.

3. As per the report of the learned Civil Judge (Jr. Division), Fast Track Court, Lalitpur, dated 16.03.2023, the said compromise between the parties has been verified on 22.02.2023, by the learned Magistrate, in presence of the parties who were identified by the advocates. In terms of the said compromise, the instant case was arising out between the parties due to matrimonial dispute between the parties, which have been settled between the parties and the parties are now residing together as husband and wife in terms of the settlement of dispute, through mediation in Appeal No. 4150 of 2023, between the parties through mediation. There are three children out of the marriage between the parties. Since, the said compromise was already recorded in the said Appeal No. 4150 of 2023 between the parties and since they are residing together as husband and wife and in the instant case also, the compromise between the parties has already been verified by the trial court concerned, vide order dated 22.02.2023, therefore, the instant case lodged by the opposite party no.2 against the applicants herein due to the matrimonial discord,

which has already been settled between the parties, is liable to be quashed in terms of the compromise between the parties.

4. Therefore, having regard to the judgements of the Apex Court in ***Gian Singh vs. State of Punjab and Another : (2012) 10 SCC 303***, ***Prabhatbhai Aahir Alias Prabhatbhai Bhimsinghbhai Karmur and others vs. State of Gujarat and Another : (2017) 9 SCC 641*** and ***Narinder Singh & Ors. vs. State of Punjab : (2014) 6 SCC 466 etc.***, the instant application is ***allowed*** and the proceedings of the charge-sheet No.477 of 2019 dated 10.07.2019 as well as summoning/cognizance order dated 25.06.2023 in Criminal Case No. 1984 of 2020 (State vs. Irfan Rain and Others), arising out of Case Crime No. 312 of 2019 u/S 494, 323, 504, 506, 498-A I.P.C., Section 3/4 of D.P. Act, P.S.- Kotwali Lalitpur, District- Lalitpur, pending before Chief Judicial Magistrate-I, Lalitpur, are hereby ***quashed***.

Order Date :- 3.11.2023

Shubham Arya