

Court No. - 87

Case :- APPLICATION U/S 482 No. - 5661 of 2023

Applicant :- Kuldeep And 2 Others

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

Counsel for Applicant :- Sanjay Kumar Mishra, Vinay Prakash Shukla

Counsel for Opposite Party :- G.A., Manoj Pandey

Hon'ble Neeraj Tiwari, J.

1. Heard Shri Vinay Prakash Shukla, learned counsel for the applicants, learned A.G.A. for the State and Shri Manoj Pandey, learned counsel for the opposite party No.2.

2. The present 482 Cr.P.C. application has been filed to quash the charge sheet dated 08.03.2022, summoning order dated 19.11.2022 as well as entire proceedings of Case No.607 of 2022 (State Vs. Kuldeep and others), arising out of Case Crime No.360 of 2021, under Sections-498A, 323, 504, 506 I.P.C. and Section 3/4 D.P. Act, Police Station-Mahila Thana, District-Mathura.

3. The case was heard on 21.02.2023 and the Court has passed the following order:-

" Heard learned counsel for the applicants and the learned A.G.A. for the State.

This application under Section 482 Cr.P.C. has been filed for quashing entire proceeding of Case No. 607 of 2022 (State Vs. Kuldeep and Other) as well as charge sheet dated 08.03.2022 and cognizance order dated 19.11.2022, arising out of Case Crime No. 360 of 2021, under Sections 498A, 323, 504, 506 I.P.C. and Section 3/4 D.P. Act, Police Station Mahila Thana, District Mathura, pending in the Court of Civil Judge (Junior Division) Fast Track Court (C.A.W.) Judicial Magistrate, Mathura on the basis of compromise so entered into between the parties.

It is submitted on behalf of the applicants that applicant nos. 1, 2 and 3 are the husband, father-in-law and mother-in-law of opposite party no. 2 and the dispute between the parties are matrimonial in nature. He further submits that on account of intervention of well-wishers of the applicants and opposite party no.2, they have settled their disputes and arrived at a compromise. On the basis of said compromise, an affidavit has been filed by opposite party no.2 before the court below that she does not want to press the criminal proceedings initiated by her against the applicants. It is, thus, contended that proceedings of the aforesaid case be quashed in the light of law laid down by

the Apex Court in the case of Gian Singh v. State of Punjab : (2012) 10 SCC 303.

Whether a compromise has taken place or not can at best be ascertained by the court, where the proceedings are pending, after ensuring the presence of the parties before it.

Put up this case on 27.04.2023 as fresh before the appropriate Bench.

Learned counsel for the parties undertake that they shall make a fresh compromise application before the court below within a week from today for verification of the aforesaid compromise. They further undertake to ensure their presence before the court below or any other transferee court, as the case may be, on 03.03.2023 and the court concerned, thereafter, shall ascertain the veracity of the compromise. If the said compromise is verified, the same shall be made part of the record and report to that effect, will be prepared and the parties would be allowed to obtain certified copy thereof and file the same before this Court.

Office is directed to send through FAX a copy of this order within 24 hours.

Parties are also directed to produce certified copy of this order along with a fresh compromise application before the court concerned within a week from today.

Till the next date of listing, no coercive steps would be taken against the applicants in the aforesaid case. "

4. Pursuant to order dated 21.02.2023, compromise has been verified by the trial Court vide order dated 22.05.2023 and the same has been received to this Court from Court of Civil Judge (Junior Division) Fast Track Court (C.A.W.) Judicial Magistrate, Mathura, vide letter dated 22.05.2023.

5. Learned counsel for the opposite party No. 2 has filed short counter affidavit, in which he has not objected the aforesaid facts and submitted that in case proceedings against the applicants is quashed, he would have no objection.

6. Learned A.G.A. has also not disputed the aforesaid facts.

7. In view of the facts and circumstances of the case, 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.

8. 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.

9. The present application is, accordingly **allowed**.

Order Date :- 30.11.2023

Amit/-