

Court No. - 92

Case :- APPLICATION U/S 482 No. - 5411 of 2023

Applicant :- Pramod Kumar Saraswat And 2 Others

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

Counsel for Applicant :- Anuj Kumar Gupta

Counsel for Opposite Party :- G.A., Namit Srivastava

Hon'ble Anish Kumar Gupta, J.

1. Heard Sri Vinay Kumar Singh Singraur, Advocate holding brief of Sri Anuj Kumar Gupta, learned counsel for the applicants, Sri Vishesh Upadhyay, Advocate holding brief of Sri Namit Srivastava, learned counsel for the opposite party no.2 and Sri Prem Prakash Tiwari, learned A.G.A. for the State.

2. This application under Section 482 Cr.P.C. has been filed by applicants for quashing of the summoning order dated 12.12.2019 and entire proceedings in Complaint Case No.1911 of 2019 (Ram Prakash Pathak Vs. Ayush Saraswat and others), under Sections 406, 504, 506, 420 I.P.C., Police Station - Baradari, District- Bareilly pending in the court of Additional Chief Judicial Magistrate, Court No.1, Bareilly.

3. Learned counsel for the applicants submits that since it was a matrimonial dispute between the parties, which has been amicably settled between the parties and a compromise deed has been executed between the parties on 03.01.2023, which has been filed before the trial court and in terms of the order dated 20.02.2023 passed by this Court, learned trial court has verified the said compromise between the parties, vide order dated 25.04.2023 and report to that effect has been sent by Additional Chief Judicial Magistrate, Bareilly, on 29.05.2023, to this Court, which is available on record. Learned counsel for the applicants submits that since it was a matrimonial disputes, which has been amicably settled between the parties, therefore, he has prayed for quashing of the entire proceedings of compromise between the parties.

4. Learned counsel for opposite party no.2 also admits the aforesaid facts and submits in pursuance of the compromise the parties have filed an application u/S 13-B of Hindu Marriage Act, for dissolving their marriage, by mutual consent, which is pending for disposal.

5. In view thereof, nothing survives in the instant petition to be

claimed by the opposite party no.2. Therefore, learned counsel for the applicants has prayed for quashing of the entire proceedings against the applicants herein, in view of the compromise between the parties.

6. Learned A.G.A for State do not dispute the factum of compromise between the parties.

7. In view of the aforesaid submissions made by learned counsels for the parties, since, it was a matrimonial dispute between the parties which has been settled and a compromise was executed between the parties, which has been duly verified by the trial court in pursuance of the order dated 20.02.2023, which has been passed by this Court.

8. In view thereof, no fruitful purpose will be served by keeping this criminal proceeding pending against the applicants herein, in view of the settlement between the parties and since it was matrimonial dispute has been duly settled. Therefore, the instant application is ***allowed*** in terms of the compromise between the parties and the entire proceedings in Complaint Case No.1911 of 2019 (Ram Prakash Pathak Vs. Ayush Saraswat and others), under Sections 406, 504, 506, 420 I.P.C., Police Station - Baradari, District- Bareilly, pending in the court of Additional Chief Judicial Magistrate, Court No.1, Bareilly, are hereby ***quashed*** in the light of the judgements of the Apex Court in ***Gian Singh vs. State of Punjab and Another : (2012) 10 SCC 303; Prabatbhai Aahir Alias Prabatbhai Bhimsinghbhai Karmur and others vs. State of Gujarat and Another : (2017) 9 SCC 641; Narinder Singh & Ors. vs. State of Punjab : (2014) 6 SCC 466 and B.S.Joshi and Other vs. State of Haryana and Another : (2003)4 SCC 67.***

Order Date :- 8.12.2023

Shubham Arya