

Court No. - 86

Case :- APPLICATION U/S 482 No. - 7046 of 2023

Applicant :- Prakash Prajapati And Another

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

Counsel for Applicant :- Hans Nath Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Rajiv Gupta,J.

1. Heard learned counsel for the applicants, learned AGA for the State and perused the record.

2. This application under Section 482 Cr.P.C. has been filed with a prayer to quash the summoning order dated 28.5.2022 as well as further proceedings of Complaint Case No. 9445 of 2021 (Pratap Singh Vs. Prakash Prajapati and others), under Sections 406, 498A IPC and 3/4 of D.P. Act, P.S. Jagdishpura, District- Agra, pending in the court of Addl. Civil Judge (Junior Division), Court No. 4, Agra.

3. Learned counsel for the applicants has submitted that instant complaint case has been lodged by father in-law, opposite party No. 2 against Prakash Prajapati and and Shiv Lal Prajapati, who are husband and father in-law of Varsha daughter of opposite party No. 2. It is further submitted that the instant case has also been lodged under Sections 498A/406 IPC and Section 3/4 of the Dowry Prohibition Act, apart from the case lodged by Varsha herself against her husband and father in-law u/s 498A/406/452/323/504/506 IPC on almost similar allegations which was instituted vide Complaint Case No. 25408 of 2021, however subsequently both the parties were directed to appear before the Mediation and Conciliation Centre, High Court Allahabad to explore the possibility of settling the dispute through mediation. Pursuant to the said order dated 20.12.2022, the parties appeared before the mediation centre and with the help of the mediator has settled all the disputes and differences and a settlement-agreement dated 6.6.2023 has been drawn, a copy of which has been annexed with the connected Application u/s 482 No. 16386 of 2022 and in terms of compromise made between the parties has been allowed by this Court vide order dated 16.10.2023.

4. Learned counsel for the applicants has next submitted that in view of the compromise dated 6.6.2023 made between husband

and wife, the instant proceedings be also quashed as the instant proceedings also arises out of matrimonial discord between husband and wife.

5. Learned AGA could not dispute the aforesaid facts.

6. This Court is not unmindful of the judgements of the Apex Court in the cases of :-

1. B.S. Joshi and others Vs. State of Haryana and another (2003) 4 SCC 675.

2. Nikhil Merchant Vs. Central Bureau of Investigation [2008] 9 SCC 677].

3. Manoj Sharma Vs. State and others (2008) 16 SCC 1.

4. Gian Singh Vs. State of Punjab (2012) 10 SCC 303.

5. Narindra Singh and others Vs. State of Punjab (2014) 6 SCC 466.

Wherein the Apex Court has categorically held that compromise can be made between the parties even in respect of certain cognizable and non compoundable offences. Reference may also be made to the decision given by this Court in **Shaifullah and others Vs. State of U.P. and another [2013 (83) ACC 278]**, in which the law expounded by the Apex court in the aforesaid cases has been explained in detail.

7. Considering the facts and circumstances of the case, as noted herein above, and also the submissions made by the counsel for the parties, the court is of the considered opinion that no useful purpose shall be served by prolonging the proceedings of the above mentioned case.

8. Accordingly, the entire proceedings of Complaint Case No. 9445 of 2021 (Pratap Singh Vs. Prakash Prajapati and others), under Sections 406, 498A IPC and 3/4 of D.P. Act, P.S. Jagdishpura, District- Agra, pending in the court of Addl. Civil Judge (Junior Division), Court No. 4, Agra. , are hereby quashed.

9. This application under Section 482 CrPC is accordingly allowed.

Order Date :- 16.10.2023

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