

Court No. - 87

Case :- APPLICATION U/S 482 No. - 32161 of 2017

Applicant :- Devpal And 6 Others

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

Counsel for Applicant :- Avnish Kumar Srivastava

Counsel for Opposite Party :- G.A.,Ashwini Kumar Srivastava

Hon'ble Neeraj Tiwari,J.

1. Sri Avnish Kumar Srivastava learned counsel for the applicants has filed supplementary affidavit before the Court, which is taken on record.

2. Heard learned counsel for the applicants, learned A.G.A. for the State respondents and Sri Ashwini Kumar Srivastava, learned counsel for the opposite party no. 2.

3. The present 482 Cr.P.C. application has been filed to quash the entire proceedings of Criminal Case No. 3411/9 of 2017 (State Vs. Devpal and others), arising out of case crime no. 350/2017, under Sections- 498A, 323, 504 I.P.C. and 3/4 D.P. Act, pending in the court of C.J.M., Meerut.

4. Learned counsel for the applicants submitted that present matter is arising out of matrimonial dispute in which divorce Petition No. 1021 of 2018, under Section 13B of Hindu Marriage Act has been filed before Principal Judge, Family Court, Meerut, which was allowed on the basis of mutual consent between the parties vide order 23.01.2019. Therefore, in light of compromise between the parties, present proceeding may be quashed.

5. Sri Ashwini Kumar Srivastava, learned counsel for the opposite party no.2 has not objected the aforesaid fact and submitted that in case proceedings is quashed, he would have no objection.

6. In view of above, 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.

7. 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 Bhimsinbhai 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.

8. The present application is, accordingly **allowed**. No order as to costs.

Order Date :- 16.11.2023

Brijesh