

Court No. - 87

Case :- APPLICATION U/S 482 No. - 9408 of 2020

Applicant :- Sunil Kumar

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

Counsel for Applicant :- Sunil Kumar Singh

Counsel for Opposite Party :- G.A., Ashish Kumar Pathak

Hon'ble Neeraj Tiwari, J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State.

2. The present 482 Cr.P.C. application has been filed to quash the entire proceedings of CNR No. UPJB0600 37202019 (State Vs. Sunil Kumar and others), arising out of Case Crime No. 58 of 2016, under Sections- 498A, 323, 504 I.P.C. & 3/4 D.P. Act, Police Station- Mahila Thana, District- J.P. Nagar(Amroha), pending in the court of Civil Judge(J.D.)/Judicial Magistrate, Amroha.

3. The case was heard on 05.03.2020 and the Court has passed the following order:-

"Learned counsel for Opposite party no.2 has put in appearance and has filed a short counter affidavit, with Vakalatnama, same is taken on record.

Learned counsel for applicant submitted that an Application, being Application U/S 482 No.31347 of 2016, arising out of same case crime number is already pending and present Application be consolidated with previously instituted Application.

Connect and list with Application U/S 482 No.31347 of 2016.

It is submitted that it is a matrimonial dispute and parties have entered into compromise.

Let the compromise be filed before the Trial court, concerned for its verification, where, it shall be verified and the certified copy of the compromise, after its verification, alongwith the certified copy of the order, passed thereon, be filed on record of this proceeding.

List in week commencing 11th May, 2020.

Till next date of listing, no coercive action shall be taken against applicant, in CNR No.UPJB0600 37202019, State vs. Sunil Kumar and others, arising out

of Case Crime No.58/2016, under Sections 498A, 323 and 504 of IPC, read with 3/4 of Dowry Prohibition Act, Police Station Mahila Thana, District- J.P. Nagar (Amroha), pending in the court of Civil Judge (Junior Division)/Judicial Magistrate, Amroha."

4. Pursuant to order dated 05.03.2020, compromise has been verified by the trial Court vide order dated 14.06.2022 and the same has been received to this Court from In-charge Civil Judge(J.D.)/J.M./F.T.C.-II, Amroha on 02.07.2023

5. Learned A.G.A. has not objected the aforesaid facts.

6. In view of the facts and circumstances of the case, the applicant 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 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.

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

9. No order as to costs.

Order Date :- 17.11.2023

ADY