

Court No. - 89

Case :- APPLICATION U/S 482 No. - 11800 of 2023

Applicant :- Yogesh And 5 Others

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

Counsel for Applicant :- Sanjeev Kumar,Rakesh Kumar Rathore

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

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

2. This application under Section 482 Cr.P.C. has been filed to quash the charge-sheet dated 18.08.2022, cognizance/summoning order dated 01.12.2022 as well as entire proceedings of Criminal Case No.9010 of 2022 arising out of Case Crime No.153 of 2022 (State vs. Yogesh and others), under sections 498A, 323, 504, 506 I.P.C. & 3/4 Dowry Prohibition Act, Police Station Talgram, District Kannauj, pending in the court of Chief Judicial Magistrate, Kannauj.

3. By order dated 21.04.2023, matter was referred to Mediation & Conciliation Centre, High Court, Allahabad and parties appeared before Mediation & Conciliation Centre and mediation completed and parties resolved their dispute before Mediation & Conciliation Centre. Report of Mediation & Conciliation Centre dated 17.10.2023 is present on record. Some part of report of the Mediation & Conciliation Centre dated 17.10.2023 is being quoted below:-

".....7. In view of the interim settlement dated 05.09.2023, the following settlement has been arrived at between the parties hereto:

a) That the parties are living together as husband and wife in perfect harmony forgetting all previous disputes and differences and they undertake to discharge all matrimonial obligations towards each other in respectful manner and undertake not to commit any kind of cruelty against each other in future.

b) That the parties appeared before the Centre and stated to the mediator that they are satisfied with this reunion and further they want to continue it for the rest of their lives.

- c) That the husband and wife undertake that they shall not take any such action which may hurt either of the party mentally or physically and shall try to satisfy each other by their activities.*
- d) That it has been agreed between the parties that they will behave properly living in peaceful and cordial atmosphere.*
- e) That the husband undertakes to take care of his wife and daughter and fulfill all essential requirements and amenities to them in future.*
- f) That it has also been agreed between the parties that all the cases filed by them against each other regarding present matrimonial dispute shall be withdrawn by the parties concerned by taking appropriate steps before the Court/authority concerned.*
- g) That the parties will not file any fresh case against each other in respect of this matrimonial dispute. They have no claim against each other in future also.*
- h) That it has been agreed between the parties that they shall not violate the terms and conditions of this settlement otherwise the aggrieved party will be free to take legal recourse....."*

4. Parties have resolved their differences and amicably settled their dispute through Mediation & Conciliation Centre. Learned counsel for the applicants next submits that in view of Mediation & Conciliation Centre report, proceeding pending against the applicants should be quashed. Learned counsel for the applicants next submits that applicant no.1(husband) and opposite party no.2 (wife) are living together.

5. Considering the argument raised by learned counsel for the applicants and in view of Mediation & Conciliation Centre report dated 17.10.2023, it is a fit case to be interfered, hence, entire proceeding in Criminal Case No.9010 of 2022 arising out of Case Crime No.153 of 2022 (State vs. Yogesh and others), under sections 498A, 323, 504, 506 I.P.C. & 3/4 Dowry Prohibition Act, Police Station Talgram, District Kannauj, pending in the court of Chief Judicial Magistrate, Kannauj are hereby set aside and quashed. The application u/s 482 Cr.P.C. is **allowed**.

Order Date :- 14.12.2023

SKD