

Court No. - 69

Case :- MATTERS UNDER ARTICLE 227 No. - 3944 of 2023

Petitioner :- Kirshna Kumar Kaushik And 2 Others

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Rajesh Kumar Pandey, Nikil Pathak, Sunil Kumar Mishra

Counsel for Respondent :- G.A., Akash Kishan, Shashi Kumar Verma

Hon'ble Samit Gopal, J.

1. List revised.

2. Heard Sri Sunil Kumar Mishra, learned counsel for the petitioners, Sri B.B. Upadhyay, learned counsel for the State and perused the records. Sri Shashi Kumar Verma and Sri Akash Kishan, learned counsels for the private respondent are not present.

3. The present matter under Article 227 has been filed by the petitioners- Kirshna Kumar Kaushik, Smt. Vimlesh Devi and Smt. Vandana @ Ujjawal with the prayer to quash the entire criminal proceeding as well as summoning order dated 01.07.2022 in Complaint Case No. 2106 of 2021 (Smt. Rajani Sharma Vs. Krishna Kumar and others), under Sections 504, 506 I.P.C. against the petitioner nos.1 & 2 and under Section 406 I.P.C. against the petitioner no.3 passed by Additional Civil Judge (Junior Division) / Judicial Magistrate, Court No.7, Bulandshahr and order dated 17.03.2023 passed by Additional District & Sessions Judge, Court No.5, Bulandshahr in Criminal Revision No. 309 of 2022 (Kirshna Kumar Kaushik and others vs. State of U.P. and another) pending in the Court of Additional Civil Judge (Junior Division) / Judicial Magistrate, Court No.7, Bulandshahr. It is further prayed that this Hon'ble Court may be pleased to stay the further proceeding of the aforesaid case, during the pendency of present application.

4. The matter was referred to the Mediation Centre of this Court vide order dated 20.04.2023 for making an effort between the parties for settling their disputes amicably.

5. As per report of Mediation Centre dated 25.08.2023 the parties have entered into an settlement dated 25.08.2023 in view of Interim Settlement dated 28.07.2023 and have amicably settled their dispute and further agreed to withdraw the cases going on between them.

6. As per the office report dated 30.10.2023 a report from the Mediation Centre of this Court is on record.

7. From perusal of the report of Mediation Centre of this Court, it appears that in

pursuance of the said order the mediation proceedings were taken up which ended in a settlement dated 25.08.2023 between the parties and the Mediation succeeded. The parties have settled their grievances and even the dispute arising out in the present matter. The parties have agreed to withdraw the cases going on between them, the said fact is mentioned in para 7 (e) of the said mediation report.

8. Learned counsel for the petitioners states that a case under Section 13-B of the Hindu Marriage Act is pending before the Principal Judge, Family Court, Bulandshahr as Case No. 1011 of 2023. Learned counsel assures that the petitioners shall abide by all the terms and conditions of settlement agreement arrived at between the parties before the mediation centre of this Court and shall fully co-operate with expeditious disposal of the said case pending before the Principal Judge, Family Court concerned. He prayed that a direction for expeditious disposal of the same be given.

9. The law with regards to quashing of a case on the basis of settlement arrived between the parties, is well settled. 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) Shaifullah and others Vs. State of U.P. And another: 2013 (83) ACC 278 and (6) Parbatbhai Ahir@Parbatbhai @ Bhimsinbhai Karmur and others Vs. State of Gujarat and another: (2017) 9 SCC 641** has held that the cases in which the parties have settled their grievances can be quashed.

10. From perusal of the records and the law laid down by the Apex Court on the subject matter, the present case is a good case for exercising powers by this Court to quash the proceedings as prayed for by the petitioners.

11. The present application is allowed.

12. The proceedings of the present case as well as the summoning order are hereby quashed.

13. However the Principal Judge, Family Court, Bulandshahr is directed to expedite the hearing of the said case and decide the same within 45 days from the date of production of certified copy of this order.

14. Office is directed to communicate this order to the concerned court within two weeks from today.

Order Date :- 1.11.2023/AS Rathore

(Samit Gopal,J.)