

Court No. - 92

Case :- APPLICATION U/S 482 No. - 13365 of 2023

Applicant :- Dileep And 5 Others

Opposite Party :- State Of U.P. And Another

Counsel for Applicant :- Vijay Kant Dwivedi

Counsel for Opposite Party :- G.A.,Anil Kumar

Hon'ble Anish Kumar Gupta,J.

1. Heard Shri Vijay Kant Dwivedi, learned counsel for the applicant, Shri Anil Kumar, learned counsel on behalf of the opposite party no. 2 and Shri Pankaj Srivastava, learned A.G.A. for the State.

2. The instant application under section 482 Cr.P.C. has been filed seeking quashing of proceedings of Case No. 219 of 2023 (State Vs. Dileep Kumar and others) arising out of Case Crime No. 39 of 2022 under sections 498-A, 323, 504, 448, 506 I.P.C. police station Bhudkuda District Ghazipur pending before Addl. Judicial Magistrate-II, Saidpur, Ghazipur as well as charge sheet No. A-53 of 2022 dated 26.4.2022 filed in the aforesaid case on the basis of compromise.

3. Learned counsel for the applicant as well as learned counsel for the opposite party no. 2 jointly submit that the applicant no. 1 and the opposite party no. 2 are the husband and wife and there was some matrimonial dispute between them, therefore, the instant FIR was lodged by the opposite party no. 2. However, due to interference of some friends and relatives both the parties have settled their dispute amicably and the applicant no. 1 and the opposite party no. 2 are residing together as husband and wife. Therefore, they have prayed for quashing of the entire criminal proceedings initiated against the applicant no. 1 by the opposite party no. 2.

4. In view of the compromise entered into between the parties, vide order dated 18.4.2023 this court had directed for verification of the compromise on appearance of the parties before the trial court. In terms of the said order vide order dated 1.5.2023 the compromise has already been verified by the trial court. The certified copy of the compromise as well as the order dated 1.5.2023 has been placed on record by way of supplementary affidavit dated 16.5.2023 by the applicant.

5. In view of the aforesaid, since it was a matrimonial dispute between the parties which has been settled and the parties are living together as husband and wife amicably, therefore, in view of the judgements in the cases of ***Gian Singh Vs. State of Punjab and another (2012) 10 SCC 303***, ***Narinder Singh and others Vs. State of Punjab (2014) 6 SCC 466*** and ***Prabatbhai Aahir alias Prabatbhai Bhimsinghbhai Karmur and others Vs. State of Gujarat and another (2017) 9 SCC 641***, the entire proceedings of the aforesaid criminal case are hereby quashed.

6. The application is **allowed**.

Order Date :- 22.11.2023

o.k.