

Court No. - 91

Case :- APPLICATION U/S 482 No. - 14672 of 2022

Applicant :- Javed Khan And 4 Others

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

Counsel for Applicant :- Brijesh Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar,J.

1. Heard learned counsel for the applicants, Shri Santosh Kumar Mishra, learned counsel for opposite party no.2 and learned A.G.A. for the State and perused the record.

2. This application under Section 482 Cr.P.C. has been filed by the applicants to quash the impugned summoning order dated 17.09.2021 passed by Additional Chief Judicial Magistrate, Court No.19, Deoria as well as entire proceedings of Complaint Case No.5578 of 2019, Husna Agra Vs. Javed Khan and others, under sections 323, 504, 506,498A IPC and 3/4 D.P.Act, Police Station Bagauchghat, District Deoria pending in the court of Additional Chief Judicial Magistrate, Court No.19 Deoria.

3. As per mediation report dated 22.01.2023, the matter has been settled between the parties. Parties have no further claims against each other with regard to the present case and all disputes and differences in this regard have been amicably settled by the parties hereto through the process of Conciliation/ Mediation. It has been agreed between the parties that they shall comply with the terms and conditions of this settlement.

4. It is submitted by learned counsel for the applicant that all the disputes and differences have been settled between the parties. At this stage, learned counsel further submitted that continuation of the proceedings of the aforesaid case will be an abuse of process of law. No fruitful purpose would be served by keeping the matter pending. In support of his contention, learned counsel for the applicant has also placed reliance on the law laid down by Apex Court in **Gian Singh vs. State of Punjab, (2012), 10 SCC 303, B.S. Joshi and others vs. State of Haryana and another, (2003) 4 SCC 675 and Madan Mohan Abbot vs. State of Punjab, (2008) 4 SCC 582.**

5. On the other hand, learned counsel for the opposite party nos.2 submits that since the dispute between the parties has been settled, opposite party no.2 has no objection if the proceedings of the aforesaid complaint case pending before the trial court is quashed.

6. I have considered the submissions made by the learned counsel for the parties

and have gone through the entire record.

7. In all the aforesaid cases, the Apex Court has laid down the law that criminal proceedings may be quashed even in non-compoundable cases by the High Court in exercise of its inherent extraordinary jurisdiction to restore peace between the parties and in case the justice so demands. According to Hon'ble Supreme Court, if the offence involve private dispute between the parties of commercial nature or matrimonial dispute and it is not related to heinous offence, the proceedings may be quashed.

8. The facts and circumstances as stated hereinabove are peculiar in the present case. From perusal of the record, it is apparent that the applicant No.1 (husband) filed a suit for Vidai of opposite party no.2 (wife) on 27.03.2019 in the court of Principal Judge, Family Court, Deoria. The opposite party no.2 after received notice of suit for vidai, filed a complaint case in the Court of Additional Chief Judicial Magistrate, Court No.19, Deoria on 6.12.2019 on the basis of false, fabricated and concocted allegation of being cruelty in lieu of demand of dowry. Nothing overt act has been done with her and as of now the matter has been mutually compromised between the parties. As such, looking to the facts and circumstances of the case, no mental depravity is involved in the case. If the request of the parties is denied, it will be amounting to only adding one more criminal case to the already overburdened criminal courts.

9. Since the dispute between the parties has been amicably and mutually settled, no fruitful purpose would be served by permitting to continue the criminal case pending before the trial court and it would simply be a waste of time if the aforesaid case is permitted to continue till its logical conclusion.

10. In view of the above, the Application u/s 482 Cr.P.C. is **allowed**.

11. The entire proceedings of Case No.5578 of 2019, Husna Agra Vs. Javed Khan and others, under sections 323, 504, 506, 498A IPC and 3/4 D.P. Act, Police Station Bagauchghat, District Deoria pending in the court of Additional Chief Judicial Magistrate, Court No.19 Deoria, against the applicants are quashed in terms of compromise arrived at between the parties.

Order Date :- 30.10.2023

SFH