

Court No. - 69

Case :- APPLICATION U/S 482 No. - 15641 of 2023

Applicant :- Shubhlesh Kumar Saxena Alias Neeshu And 4 Others

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

Counsel for Applicant :- Smt. Kirti Pandey,Rajendra Kumar Pandey

Counsel for Opposite Party :- G.A.,Saral Singh

Hon'ble Samit Gopal,J.

1. List revised.
2. Heard Sri Rajendra Kumar Pandey, learned counsel for the applicants, Sri Ajay Singh, learned A.G.A-1 for the State and perused the records. Sri Saral Singh, learned counsel for the opposite party no.2 is not present even when the matter has been taken up in the revised list.
3. The present application under Section 482 Cr.P.C. has been filed by the applicants Shubhlesh Kumar Saxena, Arvind Kumar Saxena, Smt. Kiran Saxena, Priyanshi Saxena and Medha Saxena with the prayer to allow the present application and quash the entire proceeding of Complaint Case No.301 of 2022 (Monika Saxena Vs. Shubhlesh Kumar Saxena alias Neeshu and others), under Section 498-A, 323, 504, 506 IPC and Section 3/4 of D.P. Act, Police Station Chandausi, District Sambhal pending in the court of Civil Judge (Jr. Division)/FTC, Sambhal at Chandausi as well as order dated 11.11.2022 passed by Civil Judge (Jr. Division)/FTC, Sambhal at Chandausi and to stay the effect and operation of the said order and also to stay the further proceedings of aforesaid case, during the pendency of present application.
4. The matter was referred to the Mediation Centre of this Court vide order dated 1.5.2023 for making an effort between the parties for settling their disputes amicably.
5. As per the office report dated 25.10.2023, a report from the Mediation Centre of this Court is on record which states that mediation between the parties is successful.
6. As per report of Mediation Centre dated 24.9.2023, the parties

have entered into a settlement dated 24.9.2023 and have amicably settled their dispute and further agreed to withdraw the cases going on between them.

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 24.9.2023 between the parties and the Mediation succeeded. The parties have settled their grievances and even the dispute arising in the present matter. The parties have decided to reunite and live together as husband and wife and also agreed to withdraw the cases going on between them, the said fact is mentioned in para 7(h) of the said mediation report.

8. 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.

9. 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 applicant(s).

10. The present application is **allowed**.

11. The entire proceedings of the aforesaid case as well as cognizance order passed in the aforesaid case are hereby quashed.

(Samit Gopal, J.)

Order Date :- 26.10.2023

Gaurav Kuls