

**Court No. - 39**

**Case :-** FIRST APPEAL No. - 622 of 2023

**Appellant :-** Vishwesh Narayan Tripathi

**Respondent :-** Smt. Pallavi Shukla

**Counsel for Appellant :-** Ambrish Chandra Pandey

**Hon'ble Saumitra Dayal Singh,J.**

**Hon'ble Shiv Shanker Prasad,J.**

1. Present appeal has been filed under Section 19 of the Family Courts Act, 1984 arising from the order dated 01.02.2023 passed by the learned Additional Principal Judge, Family Court-2, Allahabad on application Paper No. 10-Ka, under Section 24 of the Hindu Marriage Act, 1955.

2. On 30.05.2023, the following order had been passed :

*"1. Heard leaned counsel for the appellant.*

*2. Challenge has been raised to the order dated 01.2.2023 passed by the Additional Principal Judge Family Court, Allahabad in Matrimonial Case No. 1370 of 2020 (Vishwesh Naraya Tripathi Vs. Smt. Pallavi Shukla and Another).*

*3. At the outset, learned counsel for the appellant states that matrimonial dispute between the parties is pending mediation referred by this Court in Application U/S 482 No. 12488 of 2023. Hope has been expressed for success of the mediation.*

*4. Accordingly, at present appeal is being entertained.*

*5. Issue notice to opposite party No. 2 fixing 31.10.2023.*

*6. In the meantime, subject to the appellant depositing Rs. one lakh before the mediation centre and continuing to deposit the monthly maintenance amount Rs. 5000/- from June 2023 onwards, no coercive measures may be adopted against the petitioner in compliance of the impugned order.*

*7. The amount of Rs. one lakh deposited by the petitioner shall be retained in an interest bearing term deposit which shall abide by the outcome of the mediation proceedings or further orders to be passed by the Court.*

*8. In case of default by the appellant in depositing the monthly maintenance, interim protection granted by this Court shall stand vacated."*

3. Today, it has been informed, the proceeding referred to the Mediation Center of this Court in Application U/S 482 No. 12488

of 2023 (Vishwesh Narayan Tripathi & 2 Ors. Vs. State of U.P. & Anr.) have been successful.

4. Accordingly, the above described 482 application has been allowed, vide order dated 26.10.2023. For ready reference, that order reads as below :

*"1. List revised.*

*2. Heard Sri Abhishek Kumar Shukla holding brief of Sri Ambrish Chandra Pandey, learned counsel for the applicants, Sri Ajay Singh, learned A.G.A-1 for the State and perused the records. Sri Harish Chandra Shukla, 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 Vishwesh Narayan Tripathi, Ramesh Narayan Tripathi and Sunita Tripathi with the prayer to allow the present application and quash the charge sheet dated 8.9.2021, summoning order dated 1.10.2021 as well as entire proceeding of Case No.264 of 2021, arising out of Case Crime No.400 of 2021, under Section 498-A, 323, 504, 506 IPC and Section 3/4 of D.P. Act, Police Station Colonelganj, District Prayagraj pending in the Court of Additional Chief Judicial Magistrate, Prayagraj. 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 19.4.2023 for making an effort between the parties for settling their disputes amicably.*

*5. As per report of Mediation Centre dated 26.9.2023, the parties have entered into a settlement and have amicably settled their dispute and further agreed to withdraw the cases going on between them.*

*6. As per the office report dated 26.10.2023, 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 26.9.2023 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 applicants states that a case under Section 13-B of the Hindu Marriage Act is pending before the concerned trial court. He prays 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 applicants.

11. The present application is allowed.

12. The proceedings of the present case as well as the summoning order/charge sheet in the aforesaid case are hereby quashed.

13. However the Principal Judge, Family Court, Allahabad 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."

5. In such circumstances, it has been submitted, the present appellant does not wish to press the present appeal any further. Accordingly, the present appeal is **dismissed as withdrawn** in view of the settlement reached between the parties.

**Order Date :- 31.10.2023**

Abhilash

(Shiv Shanker Prasad, J.) (S. D. Singh, J.)