

Court No. - 86

Case :- APPLICATION U/S 482 No. - 16386 of 2022

Applicant :- Prakash And 6 Others

Opposite Party :- State Of U.P And Another

Counsel for Applicant :- Hans Nath Pandey

Counsel for Opposite Party :- G.A., Umesh Chandra Pandey

Hon'ble Rajiv Gupta, J.

1. Heard learned counsel for the applicants, learned AGA for the State and perused the record.

2. This application under Section 482 Cr.P.C. has been filed with a prayer to quash the summoning order dated 7.5.2022 as well as further proceedings of Complaint Case No. 25408 of 2021 (Smt. Varsha Vs. Prakash and others), under Sections 498A, 406, 452, 323, 504, 506 IPC, P.S. Jagdishpura, District- Agra, pending in the court of Addl. Civil Judge (Junior Division), Court No. 4, Agra.

3. Learned counsel for the applicants has submitted that opposite party No. 2 is the wife of applicant No. 1 and other applicants are his family members. Learned counsel for the applicants has next submitted that on account of matrimonial discord, the present criminal case was instituted against the applicants. However subsequently, this Court vide order dated 20.12.2022 had directed the parties to appear before Mediation and Conciliation Centre, High Court, Allahabad to explore the possibility of settling the dispute through mediation. Pursuant to the said order dated 20.12.2022, the parties appeared before the mediation centre and with the help of the mediator has settled all the disputes and differences and a settlement-agreement dated 6.6.2023 has been drawn between the parties, a copy of which has been annexed with the record of this application, which shall form part of this application.

4. Learned counsel for the applicants has next submitted that in view of the compromise made between the parties, the entire proceedings be quashed.

5. Learned AGA could not dispute the aforesaid facts.

6. This Court is not unmindful of the judgements of 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. Narindra Singh and others Vs. State of Punjab (2014) 6 SCC 466.

Wherein the Apex Court has categorically held that compromise can be made between the parties even in respect of certain cognizable and non compoundable offences. Reference may also be made to the decision given by this Court in **Shaifullah and others Vs. State of U.P. and another [2013 (83) ACC 278]**, in which the law expounded by the Apex court in the aforesaid cases has been explained in detail.

7. Considering the facts and circumstances of the case, as noted herein above, and also the submissions made by the counsel for the parties, the court is of the considered opinion that no useful purpose shall be served by prolonging the proceedings of the above mentioned case.

8. Accordingly, the entire proceedings of Complaint Case No. 25408 of 2021 (Smt. Varsha Vs. Prakash and others), under Sections 498A, 406, 452, 323, 504, 506 IPC, P.S. Jagdishpura, District- Agra, pending in the court of Addl. Civil Judge (Junior Division), Court No. 4, Agra, are hereby quashed.

9. This application under Section 482 CrPC is accordingly allowed.

Order Date :- 16.10.2023

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