

Court No. - 69

Case :- APPLICATION U/S 482 No. - 17213 of 2023

Applicant :- Chandrawati And 4 Others

Opposite Party :- State Of U.P. Through Its Secretary And Another

Counsel for Applicant :- Aqueel Ahmad

Counsel for Opposite Party :- G.A.

Hon'ble Samit Gopal,J.

1. List revised.

2. Heard Sri Aqueel Ahmad, learned counsel for the applicants, Sri Ajay Singh, learned A.G.A-1 for the State and perused the records.

3. The present application under Section 482 Cr.P.C. has been filed by the applicants Chandrawati, Akash Kumar, Kunwar Ji Lal, Meera @ Meera Kumari and Pinki @ Pinki Kumari with the following prayers:

"It is therefore Most Respectfully prayed that this Hon'ble Court may graciously be pleased to allow this application and quash the Charge-Sheet dated 11.07 2022 as well as cognizance order dated 19.02.2022 passed by JM /Civil Judge (JD) FT.C. (Crime Against Women) Etah in Case Crime No. 15 of 2022 Under Section 498-A & 323 of IPC and 3/4 of DP Act 1961, Police Station Mahila Thana, District Etah otherwise applicants deprived from the justice.

It is further prayed that this Hon'ble Court may graciously be pleased to stay the further proceeding of Case No. 12581 of 2022 (Inre State Versus Akash Kumar & others) Under Section 498-A & 323 of IPC and 3/4 of DP Act, 1961, pending before the Court of Civil Judge (J.D.) /F.T.C. (Crime Against Women), Etah, arising out of Case Crime No 15 of 2022 Police Station- Mahila Thana, District- Etah, during the pendency of this application before this Hon'ble Court, otherwise applicants deprived from the justice.

And/or pass such other and further order as this Honble Court may deem fit and proper under the fact and circumstances of the case so as to meet the ends of justice."

4. The matter was referred to the Mediation Centre of this Court

vide order dated 10.05.2023 for making an effort between the parties for settling their disputes amicably.

5. As per the office report dated 16.11.2023, a report from the Mediation Centre of this Court is on record.

6. As per report of Mediation Centre dated 05.10.2023 the parties have entered into an interim settlement dated 10.08.2023 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 05.10.2023 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-a and 7-g 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 charge sheet dated 11.07 2022 as well as cognizance order dated 19.02.2022 passed in the aforesaid case are hereby quashed.

Order Date :- 17.11.2023/M. ARIF/e-file

(Samit Gopal, J.)