

Court No. - 92

Case :- APPLICATION U/S 482 No. - 17518 of 2022

Applicant :- Ashish Kumar @ Ashish Kumar Shami And Another

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

Counsel for Applicant :- Sajiya Parveen

Counsel for Opposite Party :- G.A.,Akhilesh Srivastava,Saksham Srivastava

Hon'ble Anish Kumar Gupta,J.

1. Heard Sri Sajiya Parveen, learned counsel for the applicants, Sri Saksham Srivastava, learned counsel for the opposite party no.2 and Sri Prem Prakash Tiwari, learned A.G.A. for the State.

2. The instant application under Section 482 Cr.P.C. has been filed seeking quashing of the charge-sheet dated 27.11.2021 as well as impugned Summoning/cognizance order dated 08.02.2022 & B.W. dated 28.04.2022 in Case No.10 of 2022 (State vs. Ashish Kumar and Others), arising out of Case Crime No. 23 of 2021 u/S 498-A, 323, 506 I.P.C., and 3/4 D.P. Act, P.S.- Mahila Thana, District- Kasganj, pending in the court of learned Civil Judge (J.D.)/J.M./F.T.C. Kasganj.

3. Vide order dated 30.06.2022, the matter was referred for mediation before the Mediation Centre of this Court. As per the mediation report dated 29.11.2022, the mediation between the parties has been successful and the parties have executed a settlement agreement in mediation and they have decided to live together as husband and wife. The mediation settlement agreement provides as under:

**"ALLAHABAD HIGH COURT MEDIATION AND CONCILIATION
CENTRE SETTLEMENT AGREEMENT**

This SETTLEMENT AGREEMENT entered into on 29.11.2022, between Ashish Kumar @ Ashish Kumar Shami (Applicant No. 1-husband) and Smt. Reenu (O. P. No. 2-wife).

WHEREAS

*1. Disputes and differences had arisen between the Parties hereto and **APPLICATION U/s 482 No. 17518 of 2022** was filed before the Hon'ble High Court.*

*2. The matter was referred to mediation/conciliation vide order dated 30-06-2022 passed by **Hon'ble Rohit Ranjan Agarwal,J.***

*3. The parties agreed that Mr. P. K. Mishra and Ms. Suman Jaiswal Advocates, would act as their Conciliator/Mediator, in **Mediation Case No. 3085/2022.***

4. Several Joint and separate meetings were held during the process of Conciliation/Mediation on 18.10.2022 and 29.11.2022 and the parties have with the assistance of the Mediator Conciliator voluntarily arrived at an amicable solution resolving the above-mentioned disputes and differences.

5. That the marriage Ashish Kumar @Ashish Kumar Shami (Applicant No 1-husband) and Smt Reenu (O. P. No. 2-wife) was solemnized on 09.04.2019. Out of aforesaid wedlock the parties have a daughter, namely, Sudiksha (at present aged about eleven months) That the parties started living separately since 02.04 2021.

6. The parties hereto confirm and declare that they have voluntarily and of their own free will arrived at this Settlement Agreement in the presence of the Mediator/Conciliator.

7. **In view of the Interim Settlement dated 18.10.2022**, the following settlement has been arrived at between the Parties hereto:-

a) That the parties have **decided to reunite and live together as husband and wife** in perfect harmony forgetting all previous disputes and differences and they undertake to discharge all matrimonial obligations towards each other in respectful manner and undertake not to commit any kind of cruelty against each other in any manner whatsoever.

b) That after living together as husband and wife the parties appeared and stated to the mediators that they are satisfied with this reunion and further they want to continue it for the rest of their lives.

c) That the husband and wife undertake that they shall not take any such action which may hurt either of the party mentally or physically and shall try to satisfy each other by their activities.

d) That the husband undertakes to take care of his wife and children provide all essential requirements and amenities to them in future.

e) That it has also been agreed between the parties that all the cases filed by them against each other shall be withdrawn by the parties concerned by taking appropriate steps before the Court/authority concerned.

f) That in view of the present final settlement both the parties have further agreed that they will not file any fresh cases against each other in respect to their present matrimonial dispute in future and will adhere to the conditions of the present settlement.

g) That it has been agreed between the parties that they shall not violate the terms and conditions of the settlement, otherwise the aggrieved party will be free to take legal recourse

8-By signing this Agreement the Parties hereto state that the **APPLICATION U/s 482 No. 17518 of 2022** and all disputes and differences in this regard have been amicably settled by the Parties hereto through the process of Conciliation/Mediation.

DATE: 29.11.2022

(Suman Jaiswal)
Advocate /Co-Mediator

(R.K. Mishra)
Advocate/Mediator"

4. Since, it was a matrimonial dispute between the parties and parties have now settled and reunited and are living together as husband and wife. In view thereof, the charge-sheet dated 27.11.2021 and the summoning order dated 08.02.2012 are hereby quashed and the entire proceedings Case No.10 of 2022 (State vs. Ashish Kumar and Others), arising out of Case Crime No. 23 of 2021 u/S 498-A, 323, 506 I.P.C., and 3/4 D.P. Act, P.S.- Mahila Thana, District- Kasganj, are hereby **quashed**, in the interest of justice.

5. The application is **allowed** accordingly.

Order Date :- 21.11.2023
Shubham Arya