

Court No. - 92

Case :- APPLICATION U/S 482 No. - 18328 of 2023

Applicant :- Deepak Sharma And 3 Others

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

Counsel for Applicant :- Syed Shahnawaz Shah

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta,J.

1. Heard Sri Syed Shahnawaz Shah, learned counsel for the applicants, Sri Nuruddin Khan, learned counsel for 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 charge sheet dated 29.05.2022 and cognizance/summoning order dated 24.06.2022 as well as entire proceedings of Criminal Case No.65318 of 2022 (State Vs. Deepak Sharma and others), arising out of Case Crime No.15 of 2022, under Sections 498-A, 323, 504, 506 I.P.C. and Section 3/4 D.P. Act with regard to applicant nos.1 to 3 and under Sections 498-A, 323, 504 I.P.C. with regard to applicant no.4, Police Station - Mahila Thana, District - Ghaziabad, pending before learned Additional Chief Judicial Magistrate (J.D.)/F.T.C.-I, Ghaziabad.

3. Learned counsel for the applicants submits that it is a matrimonial dispute between the applicant no.1 and opposite party no.2, due to which the instant criminal case was registered against the applicants herein. However, due to interference of some friends and relatives both the parties have settled their dispute amicably outside the Court. In view of the compromise entered into between the parties, vide order dated 17.05.2023 this court had directed for verification of the compromise by the trial court. In terms of the said order, vide order dated 27.06.2023, the compromise has been verified by the trial court. The certified copy of the compromise as well as the order dated 27.06.2023 is available on record. Therefore, learned counsel for the applicants prayed for quashing of the entire criminal proceedings initiated against the applicants by the opposite party no. 2.

4. Learned A.G.A. does not dispute the factum of compromise between the parties.

5. Having heard the submissions made by learned counsel for the parties, this Court has carefully perused the record of the case and from perusal of record it is apparent that the instant complaint was filed against the applicants by opposite party no.2 due to matrimonial discord between applicant no.1 and opposite party no.2. Subsequently, the parties have entered into compromise on 22.12.2022. In view thereof, the parties have agreed that they will desolve their marriage by mutual consent by moving appropriate applications and the daughter shall remain with opposite party no.2. Applicant no.1 has agreed to pay Rs.3,55,000/- to opposite party no.2 towards all her claims with regard to Stridhan etc. Out of Rs.3,55,000/-, Rs.1,80,000/- has already been paid by demand draft dated 21.12.2022 to opposite party no.2 by the applicants and the remaining amount of Rs.1,75,000/- has to be paid on withdrawal of all the proceedings against each other. It is however, apparent that in terms of aforesaid compromise between the parties, the opposite party no.2 has withdrawn his Application under Section 9 of Hindu Marriage Act vide order dated 30.11.2021 by the Principal Judge, Family Court, Meerut.

6. Since, the instant dispute is a matrimonial dispute, which is apparently a private one and the parties have settled their dispute amicably, therefore, in view of the judgements in the cases of **Gian Singh Vs. State of Punjab and another (2012) 10 SCC 303**, **Narinder Singh and others Vs. State of Punjab (2014) 6 SCC 466** and **Prabathbai Aahir alias Prabathbai Bhimsinghbhai Karmur and others Vs. State of Gujarat and another (2017) 9 SCC 641**, the entire proceedings of the aforesaid criminal case are hereby **quashed**.

7. The instant application is **allowed**.

8. However, in case of any violation of compromise by the applicants, the opposite party no.2 is free to approach this Court for recall of this order.

Order Date :- 4.12.2023

Atul