

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 8365 of 2022

Petitioner :- Vishal Singh @ Gabbar Singh And 2 Others

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Imran Syed, Gauri Shankar
Yadav, Naveen Singh

Counsel for Respondent :- G.A., Shailendra Kumar Singh

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Supplementary affidavit filed today by learned counsel for the petitioners is taken on record.
2. Heard Shri Naveen Singh, learned counsel for the petitioners, Shri Shailendra Kumar Singh, learned counsel for the informant, learned A.G.A. appearing for the State respondent.
3. This writ petition has been filed praying to quash the impugned First Information Report dated 21.06.2022 registered as Case Crime No. 151 of 2022, under Sections 498-A, 323, 504, 313 IPC read with Section 3/4 of D.P. Act, P.S. Phephna, District Ballia.
4. Vide order dated 04.07.2022 the matter was referred to the mediation centre.
5. Perused the office report dated 28.10.2023 and the settlement agreement dated 19.02.2023 which indicates that matter has been peacefully settled between the parties and they have settled their differences on the terms mentioned in paragraph 7 of the settlement agreement dated 19.02.2023. The paragraph 7 is quoted as under:-

"7. In view of the Interim Settlement Agreements dated 08.01.2023 & 29.01.2023, the following settlement has been arrived at between the Parties hereto:-
 - a) *That the parties have already settled their dispute and decided to live separately and in this regard they have filed a petition u/s 13-B of the Hindu Marriage Act before the Principal Judge, Family Court, Ballia and the same is registered as Case No. 99 of 2023. The parties stated that all the terms and conditions mentioned therein have been fulfilled. They further reiterated and reaffirm the terms and conditions of the aforesaid settlement and the same shall be a part of the settlement also. A copy whereof is being annexed to this*

settlement- agreement for kind perusal of the Hon'ble Court.

b) That it has been agreed between the parties that the petitioner-husband shall pay one time settlement amount of Rs. 8,00,000/- (Rupees Eight Lakhs only) which includes permanent alimony and Stridhan of the wife by way of Demand Draft.

c) That on 29.01 2023, the petitioner-husband has produced a demand draft bearing no. 002916 dated 27.01.2023 for Rs. 4,00,000/- (Rupees Four Lakhs only) drawn on Axis Bank in favour of Shweta Singh (wife) and the same has been handed over to the wife today ie. 19.02.2023 and she has acknowledged the receipt of the same.

d) That it has been agreed between the parties that the remaining amount i.e. Rs. 4,00,000/- (Rupees Four Lakhs only) shall be paid by Vishal Singh @ Gabbar Singh (Petitioner No. 1-Husband) to Smt. Shweta Singh (Wife) (D/o-Respondent No. 4) at the time of final judgment in Case No. 99 of 2023 pending in the Court of Principal Judge, Family Court, Ballia by way of demand draft.

e) That it has been stated by the parties that the husband has returned all the articles mentioned in para 6(f) of the 2nd Interim Settlement dated 29.01.2023 to the wife and she has accepted the same.

f) That it has also been agreed between the parties that all civil and criminal cases filed by them against each other regarding present matrimonial dispute shall be withdrawn by the parties concerned by taking appropriate steps before the Court/authority concerned.

g) That the parties will not file any fresh case against each other in respect of this matrimonial dispute. They have no claim against each other in future also.

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

6. It is submitted that as between the parties compromise had already taken place therefore, the impugned First Information Report dated 21.06.2022 registered as Case Crime No. 151 of 2022, under Sections 498-A, 323, 504, 313 IPC read with Section 3/4 of D.P. Act, P.S. Phephna, District Ballia, is liable to be quashed.

7. Thus, in view of the well settled principles of law as laid down by the Hon'ble Apex Court reported in **2003(4) SCC 675 (B.S. Joshi Vs. State of Haryana)**, **J.T. 2008(9) SC 192 (Nikhil Merchant Vs. Central Bureau of investigation and another)**, **(2012) 10 SCC 303 (Gian Singh Vs. State of Punjab)**, **(2014) 9 SCC 653 (Yogendra Yadav and others Vs. State of Jharkhand)**

and also (2014) 6 SCC 466 (Narendra Singh Vs. State of Punjab), and in view of the settlement agreement dated 19.02.2023, the First Information Report dated 21.06.2022 registered as Case Crime No. 151 of 2022, under Sections 498-A, 323, 504, 313 IPC read with Section 3/4 of D.P. Act, P.S. Phephna, District Ballia, is hereby quashed.

8. The present petition is, accordingly, **allowed**.

Order Date :- 30.10.2023

Shafique