

Court No. - 69

Case :- APPLICATION U/S 482 No. - 19050 of 2023

Applicant :- Smt. Jarifa And 4 Others

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

Counsel for Applicant :- Pavan Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Samit Gopal,J.

1. List revised.
2. Heard Sri Pavan Kumar Mishra, 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 Smt. Jarifa, Kalu, Shahajad, Chota and Shahnawaj with the prayer to allow the present application and quash the entire proceeding of Criminal Case No.10485/9 of 2022 as well as case crime no.117 of 2022, cognizance order dated 5.11.2022 (State Vs Shahnawaj and others) against applicant nos.1 and 2 under Section 498-A, 323 IPC and Section 3/4 of D.P. Act and applicants no.3 and 4 under Section 498-A, 323, 376 IPC and Section 3/4 of D.P. Act, against applicant no.5 under Sections 498-A, 323 IPC and Section 3/4 of D.P. Act and 3/4 Muslim Marriage Protection Act, Police Station Kairana, District Shamli pending in the court of Chief Judicial Magistrate, Shamli and with the further prayer to stay the further proceedings of aforesaid case, during the pendency of present application.
4. The matter was referred to the Mediation Centre of this Court vide order dated 23.5.2023 for making an effort between the parties for settling their disputes amicably.
5. As per the office report dated 26.10.2023, a report from the Mediation Centre of this Court is on record which states that mediation between the parties is successful.
6. As per report of Mediation Centre dated 21.9.2023, the parties have entered into settlement agreement dated 21.9.2023 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 21.9.2023 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 (f) 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 entire criminal proceedings of the aforesaid case as well as cognizance order passed in the aforesaid case are hereby quashed.

(Samit Gopal, J.)

Order Date :- 26.10.2023
Gaurav Kuls