

Court No. - 92

Case :- APPLICATION U/S 482 No. - 19748 of 2023

Applicant :- Akash And 2 Others

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

Counsel for Applicant :- S.P.S. Chauhan, Smt. Meenakshi Chauhan

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta, J.

1. Heard Sri Sukhendra Singh, Advocate holding brief of Sri S.P.S. Chauhan, learned counsel for the applicants and Sri Pankaj Srivastava, 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 26.01.2021 and cognizance order dated 09.08.2021 and the entire proceedings of Criminal Case No. 251 of 2021 (State vs. Akash & Others) arising out of Case Crime No. 603 of 2020, under Sections 498A, 323, 504, 506 I.P.C. & Section 3/4 Dowry Prohibition Act, Police Station Khair, District Aligarh.

3. Learned counsel for the applicants submits that the instant proceedings were initiated by the opposite party no. 2 against the applicants due to a matrimonial dispute between the applicant no. 1 and the opposite party no. 2, who are the husband and wife respectively. Parties have settled their disputes amicably out of Court for which a compromise has been executed between the parties on 20.04.2023. Vide order dated 25.05.2023, this Court has directed the parties to appear before the trial Court for verification of the compromise. Learned counsel for the applicants submits that the compromise has already been verified by the learned trial court vide order dated 10.07.2023, which has been placed on record filed by the applicants by way of supplementary affidavit. The report of verification of said compromise has also been received from the Judicial Magistrate Khair, Aligarh by this Court. Learned counsel for the applicants further submits that in terms of the compromise between the parties, a joint application under section 13-B of the Hindu Marriage Act was filed for dissolution of marriage by mutual consent of the parties on 18.04.2023 and payment under the said compromise has already been made to the opposite party

no. 2.

4. Having heard the submissions made by the learned counsel for the parties and this Court has carefully perused the record of the case. It was a matrimonial dispute between the applicant no. 1 and the opposite party no. 2 and the said settlement has already been acted upon between the parties by filing the application under Section 13B and the payments as per the compromise has already been made by the applicants to the opposite party no. 2. The said compromise has already been verified by the trial court in presence of the opposite party no. 2. No fruitful purpose would be served by continuing the criminal proceedings against the applicants herein, therefore, in the view of the guidelines given by the Apex Court in Narinder Singh & Ors. vs. State of Punjab, (2014) 6 SCC 466 : Prabatbhai Aahir Alias Prabatbhai Bhimsinghbhai Karmur and others vs. State of Gujarat and Another , (2017) 9 SCC 641 and Gian Singh vs. State of Punjab and Another, (2012) 10 SCC 303, the instant application deserved to be allowed.

5. In view thereof, the instant application is accordingly allowed and the proceedings of Criminal Case No. 251 of 2021 (State vs. Akash & Others), pending in the court of learned Judicial Magistrate, Khair, Aligarh, under Sections 498A, 323, 504, 506 I.P.C. and Section 3/4 Dowry Prohibition Act, P.S. Khair, district Aligarh are hereby quashed.

Order Date :- 28.10.2023

Ruhi H.