

Court No. - 92

Case :- APPLICATION U/S 482 No. - 20063 of 2023

Applicant :- Kapil Awasthi

Opposite Party :- State Of U.P. And Another

Counsel for Applicant :- Shikher Trivedi

Counsel for Opposite Party :- G.A.,Naveen Tiwari

And

Case :- APPLICATION U/S 482 No. - 17605 of 2019

Applicant :- Kapil Awasthi And Another

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

Counsel for Applicant :- Shikher Trivedi

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta,J.

1. Since, both the petitions are arising out of same case crime number and due to the matrimonial discord between applicant, Kapil Awasthi and opposite party no.2, Smt. Minakshi @ Alka Awasthi, both the petitions are being decided together in the interest of justice.

2. Heard Sri Shikhar Trivedi, learned counsel for the applicant, Sri Naveen Tiwari, learned counsel for opposite party no.2 and Sri Pankaj Srivastava, learned A.G.A. for the State.

3. The instant application under Section 482 Cr.P.C. has been filed seeking quashing of charge sheet dated 23.10.2018 and summoning order dated 22.11.2018 and entire proceedings of Case Crime No.54392 of 2018 (State Vs. Kapil Awasthi and another), arising out of Case Crime No.63 of 2018, under Sections 498-A, 323, 504, 506 I.P.C. and Section 3/4 D.P. Act, Police Station - Feelkhana, District - Kanpur Nagar, pending before learned Additional Civil Judge (J.D.-I), Kanpur Nagar, on the basis of compromise.

4. Learned counsel for the applicant submits that earlier the applicant had filed an Application U/S 482 No.17605 of 2019 (Kapil Awasthi and another Vs. State of U.P. and another), which was disposed of *qua* applicant no.1, namely, Kapil Awasthi and for

applicant no.2, notices were issued. He has further submitted that subsequent to the aforesaid development, since it is a matrimonial dispute, the parties have settled their dispute amicably outside the Court and a compromise between the parties was filed before the learned ACMM-I, Kanpur Nagar on 30.11.2022 along with affidavit of the parties. Thereafter, the instant Application U/S 482 No.20063 of 2023 was filed by the applicant, Kapil Awasthi for quashing the proceedings on the basis of compromise between the parties.

5. Vide order dated 29.05.2023, this court had directed the parties to appear before the trial court for verification of the compromise. In terms of the said order, the compromise dated 30.11.2022 has been verified by the trial court vide order dated 13.07.2023. The certified copy of the compromise as well as the report to that effect dated 13.07.2023 is available on record.

6. In view thereof, learned counsel for opposite party no.2 and learned A.G.A. have not disputed the factum of compromise between the parties.

7. 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 it is a matrimonial dispute which is of private nature and the parties have amicably settled their dispute outside the Court.

8. Learned counsel for opposite party no.2 has submitted that in terms of the said compromise, the parties have agreed to desolve their marriage by filing an Application under Section 13-B of Hindu Marriage Act which was filed and the said application has been allowed vide order dated 23.05.2023 and the marriage between the parties has already been desolved.

9. 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 Prabatbhai Aahir alias Prabatbhai 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**.

10. The instant application is **allowed**.

Order Date :- 4.12.2023

Atul