

Court No. - 86

Case :- APPLICATION U/S 482 No. - 19862 of 2023

Applicant :- Mohd. Shoeb And 3 Others

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

Counsel for Applicant :- Ramesh Kumar Sahu

Counsel for Opposite Party :- G.A.

Hon'ble Rajiv Gupta,J.

1. Supplementary affidavit filed by learned Counsel for the applicants today in Court is taken on record.
2. Heard learned Counsel for the applicants, learned Counsel for the State, Mr. Dileep Kumar Singh Chandel, learned Counsel on behalf of opposite party no.2 and perused the records.
3. This application under Section 482 Cr.P.C. has been filed by the applicants with the prayer to quash the entire proceedings of Case No. 23840 of 2022 (State Vs. Shoeb and Others), arising out of Case Crime No. 99 of 2022, under Sections 498-A, 323, 504 and 506 IPC, Police Station Juhi, District Dakshini Commissionerate, Kanpur Nagar, pending in the court of Metropolitan Magistrate-8, Kanpur Nagar.
4. Learned Counsel for the applicants has submitted that opposite party no.2 is wife of the applicant no.1 and applicant nos. 2, 3 and 4 are his family members.
5. Learned counsel for the applicants has further submitted that on account of matrimonial discord, present criminal case has been instituted against the applicants by opposite party no.2, however subsequently, with the intervention of respected members of both the families, applicants and the opposite party no.2 have amicably and genuinely settled all their disputes and

differences and now they do not have any grievance against each other.

6. Learned counsel for the applicants has next drawn the attention of this Court to a compromise deed dated 19.04.2023, drawn between the parties, a copy of which has been annexed as Annexure-3 to this application.

7. This Court *vide* its order dated 26.05.2023 had directed the parties to appear before the court below and file a copy of the said compromise deed, which shall be verified by the court below and after verification of the compromise, a report be submitted to this Court.

8. Pursuant to the said order dated 26.05.2023, the parties appeared before the court below and in their presence, after due verification of the contents of the compromise made between the parties, an order dated 25.07.2023 has been passed by the court below verifying the said compromise, a copy of which has been annexed as Annexure SA-1 to the supplementary affidavit.

9. Learned Counsel for the applicants next submitted that pursuant to the said compromise the parties have restored their relationship and now they are living together as husband and wife along with their minor children and leading a happy married life. Learned counsel for the applicants has further submitted that in view of the said compromise as well as report of the court below and in order to maintain harmonious and cordial relations between the parties, entire proceedings against the applicants be quashed.

10. Learned Counsel for the opposite party no.2 has also appeared and has submitted that he has already filed a short counter affidavit on her behalf, a copy of which is taken on record and shall form part of this application. In paragraph no.3 of the said counter affidavit, the compromise dated 19.04.2023

has been acknowledged. Further, in paragraph no.4 it has been submitted that in view of the compromise made between the parties, the opposite party no.2 has no objection if the entire proceedings are quashed.

11. Learned AGA could not dispute the aforesaid facts.

12. This Court is not unmindful of the judgements of the Apex Court in the cases of:-

(i). B.S. Joshi and others Vs. State of Haryana and another (2003) 4 SCC 675.

(ii). Nikhil Merchant Vs. Central Bureau of Investigation [2008] 9 SCC 677].

(iii). Manoj Sharma Vs. State and others (2008) 16 SCC 1.

(iv). Gian Singh Vs. State of Punjab (2012) 10 SCC 303.

(v). Narindra Singh and others Vs. State of Punjab (2014) 6 SCC 466.

Wherein the Apex Court has categorically held that compromise can be made between the parties even in respect of certain cognizable and non compoundable offences. Reference may also be made to the decision given by this Court in ***Shaifullah and others Vs. State of U.P. and another [2013 (83) ACC 278]***, in which, law expounded by Hon'ble Apex Court in the aforesaid cases has been explained in detail.

13. Considering the facts and circumstances of the case, as noted herein above, and also the submissions made by learned counsel for the parties, this Court is of the considered opinion that no useful purpose would be served by prolonging the proceedings of the above mentioned case.

14. Accordingly, the entire proceedings of Case No. 23840 of 2022 (State Vs. Shoeb and Others), arising out of Case Crime

No. 99 of 2022, under Sections 498-A, 323, 504 and 506 IPC, Police Station Juhi, District Dakshini Commissionerate, Kanpur Nagar, pending in the court of Metropolitan Magistrate-8, Kanpur Nagar, are hereby quashed.

15. This application under Section 482 CrPC is accordingly **allowed.**

Order Date :- 21.11.2023

Vijay