

Court No. - 92

Case :- APPLICATION U/S 482 No. - 20562 of 2023

Applicant :- Amit Sharma And 4 Others

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

Counsel for Applicant :- Shivakant

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

Hon'ble Anish Kumar Gupta,J.

1. Heard Sri Shivakant, learned counsel for the applicant, Sri Naveen Tiwari, learned counsel for opposite party No. 2 and Sri Prem Prakash Tripathi, learned A.G.A. for the State.

2. Instant application have filed under Section 482 Cr.P.C. seeking quashing of entire proceeding of Case No. 49760/2021 (State Vs. Amit Kumar Sharma and others) in Case Crime No. 666 of 2020, under Sections 498A, 323,504, 506 I.P.C. and Section 3/4 D.P. Act, P.S. Naubasta, Kanpur Nagar pending in the court of Special C.J.M. Kanpur Nagar.

3. Learned counsel for the applicant submits that since the instant case was lodged due to the matrimonial discord between the parties, the parties have already settled their matrimonial dispute out of court for which a compromise has been executed between the parties whereby the parties have settled their matter and with respect to the aforesaid, they have filed an application along with affidavit before the trial court for taking on record the compromise between the parties. Vide order dated 31.05.2023, this Court has directed that the said compromise to be verified by the trial court, which has been verified by the trial court vide order dated 31.07.2023.

5. In terms of the said compromise, it is further stated that the parties have already filed an application under Section 13(B) of the Hindu Marriage Act, which is pending disposal. In view of the settlement in the parties, since it was a matrimonial dispute between the parties, which has already been settled and the said compromise between the parties has already been verified by the trial court which has already been acted upon by the parties. The instant application is allowed in light of judgments in ***Gian Singh vs. State of Punjab and Another : (2012) 10 SCC 303, Prabatbhai Aahir Alias Prabatbhai Bhimsinghbhai Karmur and***

others vs. State of Gujarat and Another : (2017) 9 SCC 641 and ***Narinder Singh & Ors. vs. State of Punjab : (2014) 6 SCC 466***, and the entire proceedings of Case No. 49760/2021 (State Vs. Amit Kumar Sharma and others) in Case Crime No. 666 of 2020, under Sections 498A, 323, 504, 506 I.P.C. and Section 3/4 D.P. Act, P.S. Naubasta, Kanpur Nagar are hereby quashed.

6. The application under Section 482 Cr.P.C. is **allowed**, accordingly.

Order Date :- 18.10.2023

Nitika Sri.