

Court No. - 92

Case :- APPLICATION U/S 482 No. - 20956 of 2023

Applicant :- Kamlesh Kumar And 4 Others

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Bindeshwari Prasad, Arjun Singh Patel

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta, J.

1. Heard Sri M.P. Singh, advocate holding brief of Sri Bindeshwari Prasad, learned counsel for the applicants and Sri Sandeep Choudhary, learned A.G.A. for the State.

2. The instant application has been filed seeking quashing of the charge-sheet dated 19-11-2011 as well as entire proceedings of Criminal Case No. 2512 of 2019, State Vs. Kamlesh Kumar and Others, arising out of case crime no. 1030 of 2011, under Sections 498A, 323, 504 and 506 IPC and 3/4 D.P. Act, P.S. Bhojpura, district Bareilly, pending in the court of ACJM-1, Bareilly on the basis of compromise arrived at between the parties.

3. Learned counsel for the applicants submits that earlier the applicants have filed an Application U/S 482 No. 15102 of 2022, which was disposed of on 14-07-2022 with the following directions:-

"Heard learned counsel for the applicants, learned A.G.A. for the State and perused the record.

The instant application has been filed for quashing the charge sheet No. 272 of 2011 dated 19.11.2011 as well as entire proceeding of Criminal Case No. 2512 of 2019, State v. Kamlesh Kumar and others, arising out of Case Crime No. 1030 of 2011, under Section 498-A, 323, 504, 506 I.P.C. and 3/4 of Dowry Prohibition Act, P.S. Bhojpura, District Bareilly with a further prayer to stay further proceeding in the aforesaid case.

Learned counsel for the applicant submits that both the parties have amicably compromised their dispute.

Whether the parties have, in fact, compromised the matter or not, can best be ascertained by the Court below as such compromise has to be duly verified in presence of the parties concerned before the Court.

Accordingly, this application is disposed of with a direction to the court concerned that if any such compromise is filed before it, it shall issue notices to all the signatories to the compromise requiring their personal

presence and, thereafter, proceed to verify the compromise. If the aforesaid compromise is verified, a report to that effect shall be prepared by the court and the compromise will be made part of the record.

The court in that scenario will allow the parties to obtain certified copy of the report as well as compromise and it will be open to the applicants to approach this Court again for quashing of the proceedings.

Till the verification of the compromise, the proceedings of Criminal Case No. 2512 of 2019, State v. Kamlesh Kumar and others, arising out of Case Crime No. 1030 of 2011, under Section 498-A, 323, 504, 506 I.P.C. and 3/4 of Dowry Prohibition Act, P.S. Bhojipura, District Bareilly shall remain stayed."

4. Learned counsel for the applicants further submits that in terms of the said order passed by this court the compromise was filed before the learned trial court, which was verified vide order dated 05-12-2022 by the learned trial court.

5. 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, which was allowed by the learned Principal Judge, Family Court, Bareilly and the marriage between the parties was dissolved vide order dated 13-01-2023, therefore, learned counsel for the applicants prays for quashing of the entire proceedings on the basis of compromise which has already been acted upon between the parties and decree of divorce has already been passed.

6. Learned counsel for the applicants submits that looking at the allegations made in the instant case where the applicants and the opposite party no.2 have settled their disputes and entered into compromise which has been duly verified by the trial court to which the learned A.G.A. has no objection, the proceedings of the instant case are liable to be quashed by this Court.

7. Having heard the submissions made by the learned counsel for the parties and this Court has carefully perused the record of the case. Since the parties have settled their disputes amicably and the said compromise between the parties has been duly verified by the learned trial court vide order dated 05-12-2022 and in terms of the said compromise they have filed an application under Section 13-B of the Hindu Marriage Act for dissolution of marriage, which has already been dissolved by order dated 13-01-2023, 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.

8. In view thereof, the instant application is accordingly **allowed** and the proceedings of Criminal Case No. 2512 of 2019, State Vs. Kamlesh Kumar and Others, arising out of case crime no. 1030 of 2011, under Sections 498A, 323, 504 and 506 IPC and 3/4 D.P. Act, P.S. Bhojpura, district Bareilly, pending in the court of ACJM-1, Bareilly are hereby **quashed**.

Order Date :- 27.10.2023

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